

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Herman B. Parker, of Pennsylvania, to be a passed assistant surgeon, to rank as such from March 3, 1903, in the United States Public Health and Marine-Hospital Service.

Asst. Surg. John F. Anderson, of Virginia, to be a passed assistant surgeon, to rank as such from March 18, 1903, in the United States Public Health and Marine-Hospital Service.

Asst. Surg. Rudolph H. von Ezdorf, of the District of Columbia, to be a passed assistant surgeon, to rank as such from March 4, 1903, in the United States Public Health and Marine-Hospital Service.

POSTMASTERS.

CALIFORNIA.

George F. Hirsch, to be postmaster at Longbeach, in the county of Los Angeles and State of California, in place of George F. Hirsch. Incumbent's commission expired February 14, 1903.

CONNECTICUT.

Charles A. Keyes, to be postmaster at Southington, in the county of Hartford and State of Connecticut, in place of Charles A. Keyes. Incumbent's commission expires March 2, 1903.

ILLINOIS.

Isaac Newland, to be postmaster at Colchester, in the county of McDonough and State of Illinois, in place of Isaac Newland. Incumbent's commission expired January 10, 1902.

KANSAS.

J. H. Buckman, to be postmaster at Lyndon, in the county of Osage and State of Kansas, in place of John W. Keenan, deceased.

David J. Keller, to be postmaster at National Military Home, in the county of Leavenworth and State of Kansas, in place of James W. Powell. Incumbent's commission expired February 15, 1903.

MICHIGAN.

George Barie, to be postmaster at Pinconning, in the county of Bay and State of Michigan. Office became Presidential October 1, 1902.

MINNESOTA.

Samuel Sweningsen, to be postmaster at Austin, in the county of Mower and State of Minnesota, in place of Samuel Sweningsen. Incumbent's commission expired February 15, 1903.

MISSOURI.

Samuel J. Wilson, to be postmaster at Macon, in the county of Macon and State of Missouri, in place of Samuel J. Wilson. Incumbent's commission expired February 14, 1903.

NEW HAMPSHIRE.

Natt A. Cram, to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire, in place of Natt A. Cram. Incumbent's commission expires March 3, 1903.

Walter W. Mason, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire, in place of Walter W. Mason. Incumbent's commission expires March 2, 1903.

NEW YORK.

Chauncey E. Argersinger, to be postmaster at Albany, in the county of Albany and State of New York, in place of Chauncey E. Argersinger. Incumbent's commission expired January 17, 1903.

Alfred G. Boshart, to be postmaster at Lowville, in the county of Lewis and State of New York, in place of Alfred G. Boshart. Incumbent's commission expired January 28, 1903.

Horace L. Burrill, to be postmaster at Weedsport, in the county of Cayuga and State of New York, in place of Horace L. Burrill. Incumbent's commission expires March 2, 1903.

NORTH CAROLINA.

William H. Cooper, to be postmaster at Laurinburg, in the county of Scotland and State of North Carolina, in place of William H. Cooper. Incumbent's commission expires March 3, 1903.

Alexander M. Long, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in place of Alexander M. Long. Incumbent's commission expired July 7, 1902.

OHIO.

Otis T. Locke, to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in place of Otis T. Locke. Incumbent's commission expires March 3, 1903.

PENNSYLVANIA.

William T. Dantz, to be postmaster at Westgrove, in the county of Chester and State of Pennsylvania, in place of Isaac Martin. Incumbent's commission expires March 2, 1903.

Joseph H. Downing, to be postmaster at East Downingtown, in the county of Chester and State of Pennsylvania, in place of

Joseph H. Downing. Incumbent's commission expires March 3, 1903.

Moses A. Foltz, to be postmaster at Chambersburg, in the county of Franklin and State of Pennsylvania, in place of Moses A. Foltz. Incumbent's commission expired February 14, 1903.

William W. Kemble, to be postmaster at Tidouate, in the county of Warren and State of Pennsylvania, in place of Cornelius P. Bucklin. Incumbent's commission expires March 3, 1903.

TENNESSEE.

James M. Pardue, to be postmaster at Sweetwater, in the county of Monroe and State of Tennessee, in place of James M. Pardue. Incumbent's commission expires March 2, 1903.

TEXAS.

J. Allen Myers, to be postmaster at Bryan, in the county of Brazos and State of Texas, in place of Tyler Haswell. Incumbent's commission expired May 5, 1902.

WISCONSIN.

Cyrus C. Glass, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in place of Cyrus C. Glass. Incumbent's commission expired February 14, 1903.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 19, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

Mr. FOSS. Mr. Chairman, I will state for the information of the committee that the provision relating to the increase in the personnel of the Navy was read last evening, and is now subject to amendment.

Mr. LESSLER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

After the word "midshipman," page 56, line 22, add:

"That additional appointments shall hereafter be made each year by the President of the following persons: The cadet or student standing first in the graduating class of that year in the nautical training school of each State in which such school is now or hereafter maintained at the public expense. The cadet or student ranking second in said graduating class shall be designated as alternate and shall receive the appointment in case the cadet standing first is unable or unwilling to accept or fulfill it; in a like manner the cadet ranking third shall be an alternate for the cadet ranking second."

Mr. LESSLER. Mr. Chairman, this amendment is founded on the bill H. R. 7640, introduced by the gentleman from Massachusetts [Mr. McCALL]. There are in the United States three nautical training schools, one at Boston, one at New York, and one at Philadelphia. The primary object of these training schools is to supply officers and men for the merchant marine. I brought this subject up in the committee and I investigated it so far as the Naval Department was concerned, and asked their opinion.

Mr. RIXEY. Will the gentleman allow an interruption?

Mr. LESSLER. Yes.

Mr. RIXEY. Are the schools Government or private schools?

Mr. LESSLER. They are public schools, maintained in Boston by Massachusetts, in Philadelphia by Pennsylvania, and in the city of New York under the jurisdiction of the New York City board of education. Each of these States and cities appropriates a large sum of money, and the bill has resolutions of indorsement from all of the various bodies governing these various schools.

Mr. MUDD. Mr. Chairman—

Mr. LESSLER. Just a minute, please. I was starting to say that I went to the Navy Department. The Department has not objected to the bill. Their criticism, strange to say, is that it will harm the schools, and they base that on an experience with the similar school maintained by the United States at New London, an apprentice school. They found there that the school ran down, but I do not believe that the parallel is a similar one.

In my judgment it will bring a better class of men and boys from the city to the school which is training these young men for the sea, and in my judgment we ought to get, if we can, at least one boy a year from each of these places for the great school at Annapolis. Gentlemen may not know, but the great seacoast States, the New England States, which drew their life and money

and wealth and men from the sea, have in late years degenerated so far as that is concerned, and the great West is now supplying us with the men who are manning the Navy. So any movement which will tend to bring one boy a year into the service from the great States in which are situated the cities of Boston and Philadelphia and New York, or from other great States, is directly instrumental in helping to upbuild the Navy and in giving to the boys of those great seaboard towns an idea that there is something better to look forward to than simply being a sailor aboard our declining merchant marine or even an officer in that service. I think if gentlemen will look into this question they will see that it will uplift the schools and help to put one boy from each at least into the Navy. I find in the records of the committee that the board of education of New York, and I believe also the legislature of Massachusetts, has passed a resolution asking that this be done.

Mr. MUDD. Mr. Chairman, I desire to know if this amendment operates in any way to limit the appointments already provided for in the bill. I did not hear the amendment read, so that I could well understand it, nor have I had an opportunity to look it over.

Mr. LESSLER. Not at all. This simply gives the President the power and makes it peremptory upon his part to appoint the cadet ranking first to the Naval Academy. If the cadet ranking first shall fail to pass the examination, then the alternate shall be the man to stand second, and in case of his failure then the man who stands third.

Mr. RIXEY. Ought not the gentleman to have in his amendment some limitation in regard to the age of the cadet?

Mr. LESSLER. The limitation that is general in the Academy must apply to that.

Mr. RIXEY. But would it apply to this special act?

Mr. LESSLER. I think so. A general limit is there as to the ages, and the gentleman knows all about that.

Mr. MUDD. Mr. Chairman, I rise to say that on the statement of the gentleman from New York [Mr. LESSLER] that his amendment proposes no interference with the appointments by Congressmen as already contemplated in the provisions of the bill I shall not insist on the point of order.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, then I shall renew the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. WILLIAM W. KITCHIN. As I understand it, this will change existing law. While I have not a copy of the rule before me, as I understand it it merely provides for consideration of an increase, and under the rule providing only for an increase it would not be proper to provide different qualifications for that increase.

Mr. LESSLER. The rule provides that the point of order shall not be taken against the proposition changing existing law. The existing law is that the President shall appoint, upon the recommendation of Congressmen, a cadet at such and such time. We change that existing law now and give the President five more under this amendment. We give each Congressman and each Senator an additional cadet during one term, and we change existing law. This in no way violates, contravenes, or contradicts that. I submit, Mr. Chairman—

Mr. WILLIAM W. KITCHIN. May I interrupt the gentleman?

Mr. LESSLER. Certainly.

Mr. WILLIAM W. KITCHIN. Is it not the purpose of your amendment to have these cadets to which you refer as an addition to the number provided for in the item in the bill?

Mr. LESSLER. Yes.

Mr. WILLIAM W. KITCHIN. They are to be an additional number?

Mr. LESSLER. Yes; the bill gives the President five additional, for instance, to those he has now. I do not believe the gentleman's point of order is well taken.

Mr. WILLIAM W. KITCHIN. It seems to me, Mr. Chairman, that the increase referred to in the rule—I must say that I have not yet a copy of it—was an increase according to the item in this bill and according to the law that we now have—merely to increase the number in that manner.

Mr. LESSLER. Let me ask this question: If this House should desire to pass an amendment giving to each Congressman the appointment of two naval cadets instead of one, does the gentleman think that such a proposed change would not come within the rule? As I understand the rule, the bill in this respect is open to amendment. We can strike out or we can increase.

Mr. WILLIAM W. KITCHIN. After reading this rule, a copy of which has just been handed me, and seeing that it contains the language "it shall be in order to consider legislation providing for an increase," I must say that I am of opinion that the point

of order against the amendment is not good and am ready to submit to the ruling of the Chair.

The CHAIRMAN. The rule provides explicitly that it shall be in order to consider legislation providing for an increase of midshipmen, etc. It will be necessary, in order to do this, that this bill shall adopt some method by which the increase shall be made. The Chair does not see why the method proposed by the gentleman from New York is not as much in order under the rule as the method proposed by the committee in the bill. It is for the House to decide which method is wiser, but either method would seem to be in order.

Therefore the Chair overrules the point of order.

Mr. TAYLER of Ohio. Mr. Chairman, I hope that this amendment will not be adopted. I want to say only a word upon it.

The proposition has not had any serious consideration. It is not recommended by the committee, it is not recommended by the Navy Department, and it revolutionizes our historic system of appointments to the Naval Academy and the Academy at West Point. All these appointments are made through the intervention of Representatives and Senators and by the President making such appointments at large. If we thus change the method by which entrance to West Point and Annapolis is brought about, we shall find similar naval schools, now being established here and there over the country, as well as every military school in the country, seeking for the same sort of legislation, authorizing, with equal reason and with as sound foundation, that the leading man in each of those schools shall be appointed to one academy or the other. I think, Mr. Chairman, that we ought not, at least now, in this unadvised manner, to enter upon such a revolutionary policy.

Mr. LESSLER. The gentleman from Ohio will allow me to state to him that the appointments of apprentices to the naval school formerly situated at New London were made without the intervention of Congressmen. That school being given up, of course the appointments were given up.

Mr. TAYLER of Ohio. The apprentices' school was a branch of the Navy Department, and the Navy permits the appointment of officers—certain warrant officers and others—through other channels than by way of Annapolis. But never yet, so far as I know, has an appointment been made from a private or public school outside of Government direction.

Mr. MADDOX. I want to say that if this amendment is to pass I wish to submit a provision to allow each university and each State, especially my own State, the right to be represented in this school.

Mr. TAYLER of Ohio. Of course such institutions would have as large a right to preference as the institutions contemplated by this amendment.

Mr. CANNON. I hope gentlemen will not leave out the Danville High School. [Laughter.]

Mr. FOSS. Mr. Chairman, I trust this amendment will not pass. So far as I am personally concerned, I have been unable to give the matter as serious consideration as I think it deserves, nor do I think that any member of the committee has had such opportunity. It opens up a large field. While of course this particular amendment applies only to three schools, yet I must say that I have a nautical school in my own district, and gentlemen here have indicated other schools in their States or districts. I think this matter is worthy of more serious consideration than we can give it at this hour. Consequently I hope the amendment will be voted down.

The question being taken on the amendment of Mr. LESSLER, it was rejected.

Mr. PERKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "lieutenant," in line 6, page 59, insert "and from the volunteer officers who served in the Marine Corps during the war with Spain;" so that the clause will read: "not below the grade of first lieutenant, and from the volunteer officers who served in the Marine Corps during the war with Spain."

Mr. PERKINS. Mr. Chairman, I understand that this amendment will not be opposed by the committee; and it has been recommended by the officers of the Department.

Mr. UNDERWOOD. I should like to ask the gentleman from New York [Mr. PERKINS] a question. What is the intent of the amendment?

Mr. PERKINS. The intent is this: It will make eligible for appointment two officers who served with distinction during the Spanish war. They will not be jumped over anybody whom they did not precede. They are not eligible under the act as it stands, but under this amendment they may be eligible for appointment to the staff positions contemplated by the bill.

Mr. VANDIVER. Without reference to age?

Mr. PERKINS. There is no limitation of age in reference to

staff appointments. These men are too old to go in as second lieutenants; they are men 35 years of age.

Mr. FOSS. Mr. Chairman, I desire to state that I am not opposed to the amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York [Mr. PERKINS].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. PERKINS demanded a division.

The committee divided; and there were—ayes 14, yeas 28.

Mr. PERKINS. Mr. Chairman, I ask for tellers.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to explain this amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York [Mr. PERKINS] may debate the amendment. Is there objection?

There was no objection.

Mr. CANNON. Let us first have it reported.

The CHAIRMAN. The Clerk will again report the amendment. The amendment was again read.

Mr. PERKINS. Mr. Chairman, if gentlemen of the committee will look on page 59 of the bill now under consideration, at the top of the page, they will see that it provides that appointments to the grade of captain, not in the line, but on the staff, may be filled by those holding the rank of first lieutenant in the Marine Corps. The amendment which is offered will make eligible for appointment to the same position two officers who served with distinction throughout the entire Cuban war, but who, after the Cuban war—one by reason of sickness that was incurred in the war, and one from other reasons—were not able to continue in the service. They are now made eligible for restoration to the same positions that they held. They are passed over no one. The right to appoint them is recommended by the officers in command of the Marine Corps. This right of appointment, if given, must be exercised by the appointing power. This amendment is not opposed by the Naval Committee, and I really can see no reason why, when the officers of the Marine Corps are in favor of it, when the Naval Committee are in favor of it, the amendment should not pass. It simply seeks to make eligible these two men who have done gallant service for their country in actual war—not merely serving in days of peace, but in time of war. I do not know why anyone should oppose the proposition.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman a question.

Mr. PERKINS. Certainly.

Mr. WM. ALDEN SMITH. Is there any certainty that these men will be the beneficiaries under this amendment?

Mr. PERKINS. Like all laws, this leaves it for the appointing power to appoint them. If the appointing power should not desire to appoint them, of course Congress will not force their appointment.

Mr. PAYNE. Are there only two of these men?

Mr. PERKINS. There are but two men who will be eligible under this provision.

Mr. LANDIS. Will the gentleman state who they are?

Mr. PERKINS. One is First Lieutenant Nevin. The name of the other gentleman, though I have been told it, I do not now remember.

Mr. LANDIS. Where do they live?

Mr. PERKINS. Lieutenant Nevin is a West Point officer, originally appointed from Rochester, the district I represent. That is why I know him personally. He went through West Point, and during the Cuban war he served in the Marine Corps. At the close of the war, on account of yellow fever that he contracted in the war, he was obliged to retire from the service. He did not leave because he wanted to, but he left because he had to. Now he is again able to assume this command. He has the approval of every commanding officer under whom he served; and I really do not think any member of this House, knowing these facts, should begrudge to men who served faithfully through the war, and whose disability occurred after the war, the right to return just where they were.

Mr. LANDIS. Why did this man retire originally, after he graduated from West Point?

Mr. PERKINS. I do not know. He went into the Marine Corps; I could not tell you why.

Mr. GROSVENOR. Would it not be better legislation to pass a bill to make these men eligible than it would be to put into a general statute, to run for all time, a measure that seems to take in the whole of the volunteer force that served in that war?

Mr. PERKINS. No; the gentleman, I think, is incorrect in his construction of the bill. The bill makes provision for the appointment of a certain number of officers who may be taken from the first lieutenants of marines. The only two officers who served

in the Marine Corps in the Cuban war, who are not in the regular service, and who could be made eligible, are these two men. As the Cuban war can not be fought over again, certainly no new men will appear in the future. There are but two officers on the rolls not now in the service that now or ever in the future could be eligible to this appointment. So the evil apprehended by the gentleman from Ohio [Mr. GROSVENOR] could not occur.

Mr. GROSVENOR. I think it would be much better legislation to let them come in on their merits.

Mr. HULL. How old are these men?

Mr. PERKINS. About 35.

The CHAIRMAN. The question is on the demand of the gentleman from New York for tellers.

The question was taken and tellers were ordered.

The CHAIRMAN. The Chair appoints the gentleman from New York [Mr. PERKINS] and the gentleman from Alabama [Mr. UNDERWOOD] to act as tellers.

The committee again divided, and tellers reported—ayes 52, yeas 89.

So the amendment was rejected.

Mr. JOY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

Mr. VANDIVER. Mr. Chairman, I rise to a point of order. I make the point of order that there is so much disorder that we can not hear.

The CHAIRMAN. The committee will please be in order, and gentlemen will cease conversation.

The Clerk read as follows:

Insert at the end of line 23, page 55, after the word "midshipman," the following: "Provided further, That immediately upon the passage of this act each Senator, Representative, and Delegate, who has not had an appointment during the Fifty-Seventh Congress, or in whose State, Territory, or district a vacancy shall exist on or before March 4, 1903, shall be permitted to recommend one midshipman to the said Naval Academy."

Mr. JOY. Mr. Chairman, this amendment does not change in any sense the number or character of the appointments to be made in the bill now being considered. The same number will be appointed. It does provide simply as to how they shall be appointed. It provides that immediately on the passage of this bill, districts which are now not represented in the Academy by appointments made within the past two years shall appoint at once one candidate for a midshipman, and all districts which are unrepresented in the Academy on the 4th day of March, or before the 4th day of March, on account of failure or death, shall appoint one at or before that time. The bill provides for practically doubling the number of midshipmen at the Naval Academy. We postpone action under this bill for a year from the day of the expiration of this Congress. I was told at the Department yesterday that about 15 would be dropped out on account of failure to pass the semiannual examination just completed, and a number of districts have not appointed during the Fifty-seventh Congress. The Naval Academy is not full up to its present capacity to-day. Therefore the amendment provides that certain districts may appoint the first one of the additional quota upon the passage of this bill, and those districts where vacancies shall exist on or before March 4, not probably to exceed 15, may also appoint at once to fill such vacancies.

Mr. BUTLER of Pennsylvania. Mr. Chairman, no doubt this would be very interesting if it could be heard. I ask for order.

The CHAIRMAN. Gentlemen will please take their seats.

Mr. JOY. Now, Mr. Chairman, I do not desire to go into the details as to this, unless some one wants information as to how it operates. I have conversed with probably a hundred members of the House, and I have yet to find anyone who has found any objection with the proposition submitted in this amendment.

Mr. BOREING. I desire to ask the gentleman a question, if he will yield to me.

Mr. JOY. Certainly.

Mr. BOREING. There is a vacancy in my district. The cadet from my district graduates, and I will have to name another. I want to know if it will give me an additional cadet?

Mr. JOY. It will give you one at this time and one after this bill goes into effect. It will not at present affect your district at all.

Mr. FOSS. May I ask the gentleman a question?

Mr. JOY. Certainly.

Mr. FOSS. I understand the purpose of this amendment is to give outgoing members of Congress an appointment.

Mr. JOY. Partially; it may have that effect and it may not.

Mr. FEELY. Will the gentleman yield to me for a moment?

Mr. JOY. Certainly.

Mr. FEELY. I favor the amendment, but I wish to ask this question in order to clear away some objection that may be in the minds of some members on this side. Do I understand that the nomination of the member of the Fifty-seventh Congress by the

members who now have a vacancy in their districts will in any way interfere with the right of their successors in the Fifty-eighth Congress?

Mr. JOY. Not at all. I will say further, in answer to the question of the gentleman from Illinois [Mr. Foss], that in some districts where there has not been an appointment made within the past two years it will advance the appointment from that district one year. Those who graduate in 1904 can appoint one now, and one during the next Congress. It may advance them in the time of the appointment one year.

Mr. GOLDFOGLE. I did not hear the amendment read. I desire to ask the gentleman whether his amendment contemplates the appointment of an additional midshipman in the case where a member of the Fifty-eighth Congress will have the appointment under existing law? Will he have an additional appointment after the 4th of March?

Mr. JOY. It does not affect that. There will be but two from each district at any time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Pennsylvania. I ask that the gentleman's time be extended.

Mr. UNDERWOOD. I ask unanimous consent that the gentleman may be allowed to continue for five minutes. I would like to hear what he has to say on this matter.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Missouri may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. GOLDFOGLE. I was about to put another question, Mr. Chairman. The gentleman from Missouri said that the amendment contemplated the appointment of two midshipmen during the term.

Mr. JOY. The amendment has nothing to do with it.

Mr. GOLDFOGLE. This amendment contemplates the appointment of an additional midshipman in a case where a member of the Fifty-eighth Congress may, under existing law, appoint one without the provisions of the bill.

Mr. JOY. It does not increase the number in any event.

Mr. GOLDFOGLE. So the member of Congress will not have the number increased by the provisions of the amendment?

Mr. JOY. He will not. If there is a vacancy in the term, he will have an appointment during the term.

Mr. GOLDFOGLE. And none other?

Mr. JOY. And none other.

Mr. RIXEY. As I understand the provision now carried in the bill, if a member of the Fifty-eighth Congress would, under the law as it now exists, have an appointment, then this amendment which we propose to adopt would not give him another one during the Fifty-eighth Congress, but his appointment would follow in the Fifty-ninth Congress.

Mr. JOY. On the contrary, let me answer that as far as you have got. This bill provides for additional appointments and the bill takes effect about a year from its date. A member of the Fifty-eighth Congress, if not in the Fifty-seventh, will have an appointment one year from this date.

Mr. RIXEY. I do not so understand it. The new provision reported by the committee provides that the Secretary of the Navy is to arrange these appointments so that one appointment shall be made during every Congress. Well, if a member of the Fifty-eighth Congress has an appointment under existing law during the Fifty-eighth Congress he would not have the additional appointment until the Fifty-ninth Congress, so that every member will have one appointment to Annapolis during each Congress. What I want to get at is this: Take the case of a member of the Fifty-eighth Congress who has an appointment under existing law; if your amendment is adopted, then that district will, practically, have two appointments during that one Congress, one of which will be prior to March 4, 1903.

Mr. JOY. No, it would not; this advances the appointment, and it is charged to the Fifty-seventh Congress. There is bound to be one for every Congress and one for every one in the Fifty-eighth Congress. This advances it and charges it to the Fifty-seventh Congress.

Mr. RIXEY. Let me suggest this: Every member of the Fifty-eighth Congress will have an appointment to Annapolis. About one-half will be under the existing law because they will fall in during the Fifty-eighth Congress. Now, the other half will not come until the Fifty-ninth Congress.

Mr. JOY. If they appoint a cadet under this bill, they will appoint but one during the Fifty-eighth Congress. This amendment advances one appointment, and it is charged to the Fifty-seventh Congress.

Mr. RIXEY. In many cases it gives the district an appointment two years in advance.

Mr. JOY. One year in advance.

Mr. RIXEY. One whole Congress in advance.

Mr. DAYTON. Mr. Chairman, I want to ask the gentleman a question. Is not the practical effect of this that the provision of the law appointing a midshipman to each district—that in the case of these two coming in the Fifty-eighth Congress, one of them would be appointed by the retiring member in the Fifty-seventh Congress?

Mr. JOY. Yes; that is the only effect. It advances it so that two can not be appointed during the same Congress.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman from Missouri, having read his amendment rather hurriedly a minute ago, if this resolution does not mean that every member of the present Congress who has not appointed a midshipman to Annapolis shall have the right before the 4th of March to appoint another?

Mr. JOY. Certainly it does.

Mr. BARTLETT. It says that every member of the Fifty-seventh Congress who has not made an appointment to Annapolis shall have the right to make one. Take my own case. I have a midshipman at Annapolis who was appointed when I was a member of the Fifty-sixth Congress. I am a member of the Fifty-seventh Congress, and I have been elected to the Fifty-eighth Congress. Now, will the gentleman tell me how that affects a case of this sort?

Mr. JOY. If you have not appointed during the term of the Fifty-seventh Congress—

Mr. BARTLETT. I have not.

Mr. JOY. You will have an appointment chargeable to this Congress and another one in the Fifty-eighth Congress.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes longer.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I would like to have the amendment read again at the Clerk's desk.

Mr. JOY. I ask that it be read again.

A MEMBER. Let us have order while it is being read.

The CHAIRMAN. The Committee of the Whole will be in order. Gentlemen will please cease conversation.

The amendment was again read.

Mr. ROBINSON of Indiana. I hope we may have order while I propound an inquiry, which I shall do at the risk of repetition. My case is that of a naval cadet graduated a few weeks ago. I have been informed by the Navy Department that a cadetship will be acceded to me for appointment after the 4th day of March, 1903, which means that, as I am my own successor, I shall, by virtue of that fact, have an appointment in that year. Now, this bill, as I understand, provides for additional midshipmen. Shall I have two appointments under the provision proposed by the gentleman from Missouri?

Mr. JOY. I think not, at that time. There is a vacancy for which the gentleman can make an appointment after the 4th of March.

Mr. ROBINSON of Indiana. No; I have now that right, according to a letter from the Navy Department, the substance of which is repeated in another letter sent to make it clear. The gentleman probably misunderstands the inquiry. The case as stated by the gentleman from Georgia [Mr. BARTLETT] is my case also, as I understand it; that is, I get no appointment in the Fifty-seventh Congress, but shall have one due to me on the 4th of March next, regardless of the provision borne in this bill.

Mr. JOY. As I understand, under the operation of this amendment the gentleman will have an appointment before the 4th of March and another during the Fifty-eighth Congress, when the provision for these additional appointments takes effect.

Mr. ROBINSON of Indiana. That covers my case.

Mr. JOY. And that is exactly what will occur.

Mr. ROBINSON of Indiana. Shall I, then, secure the appointment of two cadets in the Fifty-eighth Congress under the gentleman's amendment?

Mr. JOY. Not for the same class. The gentleman will have one before the 4th of March and another when this bill goes into effect next year.

Mr. ROBINSON of Indiana. Then it is the gentleman's understanding that this provision of the bill will not go into effect for the purpose of securing me an additional appointment until the coming year?

Mr. JOY. That is my understanding.

Mr. GARDNER of New Jersey rose.

The CHAIRMAN. Does the gentleman from Missouri [Mr. Joy] yield to the gentleman from New Jersey?

Mr. JOY. Certainly.

Mr. GARDNER of New Jersey. The language of the gentleman's amendment covers every Senator, Representative, and Delegate in Congress. Now, during the Fifty-seventh Congress the "grim messenger" has visited this House many times. We have on this floor several gentlemen who have been elected to fill unexpired terms. Some of them have been here for only three months. Now, will the gentleman's amendment operate to give each of those gentlemen the appointment of a cadet to Annapolis regardless of the peculiar circumstances of their case?

Mr. JOY. No; I think not. My amendment follows the language of the bill, and I do not think it affects the condition of things in such districts at all. In my view there can be but one appointee from such a district under the law, whether there has been a vacancy filled by a new election or not.

Mr. GARDNER of New Jersey. Take the case of a district in which one member has died and another is here to fill the unexpired term. The one now occupying the position has had no appointment during the Fifty-seventh Congress. The amendment of the gentleman, as I construe it, will give to such a man personally an appointment from his district. The gentleman in whose place the present member has been elected may have nominated a cadet, and yet under the amendment there may be an appointment coming to the gentleman who has succeeded and who fills the unexpired term. That is my construction of the amendment. It gives arbitrarily to the gentleman who is filling the unexpired term of his predecessor, who was elected for the same term, an appointment as an individual.

Mr. JOY. I do not think the amendment can be so construed, although it does speak of members in a sense personally. There can be but two appointments from the district; that is provided for by law.

Mr. GARDNER of New Jersey. Admitting that, I ask the gentleman to consider this case: Suppose that A was elected to this House, nominated a cadet, and afterwards died. B is elected for the unexpired term. Now, the naval bill, if it should pass as it stands, gives two appointments to each district. The gentleman's amendment, as it seems to me, gives arbitrarily this right of appointment to B, who is filling an unexpired term, instead of leaving it, as in the natural order of things, to the gentleman who will succeed him on the 4th of March.

Mr. JOY. That might be the construction but for the language of the general act, which provides that "each Senator, Representative, and Delegate may recommend only one midshipman during each Congress." There can be but one from a district during each Congress.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Missouri be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. JOY. Certainly.

Mr. BARTLETT. If the gentleman from Missouri understood the question I put to him as the gentleman from Indiana [Mr. ROBINSON] seems to have understood it, then he did not get my question. What I desire to know of the gentleman is this: A member of the Fifty-sixth Congress appointed a cadet—called a "cadet" at that time and now called a "midshipman"—to Annapolis some time before the adjournment of that Congress. He had at that time been reelected a member of the Fifty-seventh Congress.

Mr. JOY. Yes.

Mr. BARTLETT. The cadet appointed went to Annapolis in June, 1901. Now, the Congressman made that appointment, not by reason of being a member of the Fifty-seventh Congress, but by reason of being a member of the Fifty-sixth Congress. What I want to know is this: Would he, as a member of the Fifty-seventh Congress, under the gentleman's amendment, also have the right to appoint a midshipman under the provisions of this bill?

Mr. JOY. The member of the Fifty-seventh Congress would have a right to appoint another midshipman. He would then not be able to appoint another one until there was a vacancy in his district, the law providing that but two be appointed from each district and but one appointed each Congress.

Mr. BARTLETT. I understand that, but I want to get to where I can understand the gentleman's amendment. I want to support it if I can. Does this mean that every member of the Fifty-seventh Congress shall have the right to appoint one cadet?

Mr. JOY. No; only every member who has not appointed during the Fifty-seventh Congress.

Mr. OLMSTED. Mr. Chairman, will the gentleman yield for a question?

Mr. JOY. Yes.

Mr. OLMSTED. In the Fifty-seventh Congress I represent the Fourteenth district of Pennsylvania. In the Fifty-eighth Congress a county which is not now in my district will be made a part of the district I represent. The districting has been changed so that in the Fifty-eighth Congress I shall represent the Eighteenth, which, as I say, contains one county now not in my district. I want to ask the gentleman from Missouri [Mr. JOY], if the gentleman who now represents the district in which is that county and is an outgoing member, should appoint a cadet or midshipman from that county, I now having one in the other county, thus making two midshipmen in my district in the Fifty-eighth Congress, would I then under this bill be entitled to appoint another or would I be deprived of that privilege by the gentleman's amendment?

Mr. JOY. I will say that in that case, as this appointment will be charged to the Fifty-seventh Congress, the appointment will go upon the lines of the district represented up to the 4th of March; that is, the old district which the gentleman represents, as I understand it, in the Fifty-seventh Congress.

Mr. OLMSTED. In the Fifty-eighth I should then have two midshipmen in my district. Can I appoint another during the Fifty-eighth Congress?

Mr. JOY. If this one is then in another district, yes. The person who represents the additional county will be deprived of one. That will be the effect of gerrymandering in the State of Pennsylvania.

Mr. OLMSTED. There has been nothing of that kind. They may both be in my district in the Fifty-eighth. Would that deprive me of an appointment in that Congress?

Mr. JOY. I should not think so.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. JOY. Yes.

Mr. WILLIAM W. KITCHIN. I wish to ask the gentleman from Missouri this question: Under the gentleman's amendment it is probable that one-half the members of Congress will be entitled to an appointment. Does this also apply to Senators as well as Representatives?

Mr. JOY. Yes.

Mr. WILLIAM W. KITCHIN. Then there would be probably 220 appointees to be made to the class that enters this fall. Would not that of necessity deprive other members, who would be entitled to a cadet this fall, of their appointment, or else have that class with 360 members in it; and would you not have there one class with three times as many students in it as another, and 50 per cent more students than the other two classes? Would not the amendment result in having 360 members in one class, 240 in one, 240 in one, and 120 in the other?

Mr. JOY. Let me answer the gentleman by stating a fact. There are to-day in the fourth class—that is, the class that has been a year in the Naval Academy—about 151 midshipmen. Only that number has passed and go on to the second year.

Mr. WILLIAM W. KITCHIN. Is it not evident, if this bill passes as it is now intended, that finally there will be 984 cadets at the Academy?

Mr. JOY. If all pass their examinations, substantially, yes.

Mr. WILLIAM W. KITCHIN. There is an average class of about 240?

Mr. JOY. Yes.

Mr. WILLIAM W. KITCHIN. Then if we have a class of 240 your amendment will allow 240 members to be appointed by men who have not had appointments in this Congress.

Mr. JOY. Oh, I do not think it will by any means reach that number.

Mr. WILLIAM W. KITCHIN. They will be appointed every four years. So it is natural that one-fourth of the members will appoint each year, or one-half the members of Congress during one Congress. The result of your bill will necessarily be either to have the class 50 per cent larger than it ought to be, or else to deny the right of appointment to one-fourth of those members of Congress who are entitled to appointment this year.

Mr. JOY. The classes are now 33 per cent smaller than they ought to be, or more than that.

The time of Mr. JOY having expired, by unanimous consent it was extended five minutes.

Mr. VANDIVER. Will the gentleman allow me to ask him a question?

Mr. JOY. Yes.

Mr. VANDIVER. I will ask my colleague from Missouri if it is not the purpose and the only purpose of his amendment to make this new law operative from the Fifty-seventh Congress instead of the Fifty-eighth, supposing the bill to become a law?

Mr. JOY. That is all, as far as appointments are concerned.

Mr. SCOTT. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Kansas offers an

amendment to the amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend the pending amendment by striking out the words "who has not had an appointment during the Fifty-seventh Congress or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas. Does the gentleman from Kansas desire to be heard?

Mr. SCOTT. Mr. Chairman, I offer that amendment because it seems to me that the amendment offered by the gentleman from Missouri [Mr. JOY], if enacted into law, will result in a palpable contradiction or else in an extension in the number of cadets, which the original law does not contemplate. It seems to me the only construction to be put upon the words of the original amendment is that any member or Senator who has not had an appointment to the Academy during the Fifty-seventh Congress shall have that right between now and the 4th of March whether a vacancy exists from his district or not. Now, it seems that there would be some reason why a member in whose district a vacancy has occurred might have the right to make the appointment now, but I can see no reason why a member should have that right when no vacancy exists in his district. That is the reason I offer this amendment.

Mr. LESSLER. For the information of the gentleman, I should like to read from the hearings. This matter has been figured out by Captain Brownson, superintendent of the Academy, and for the gentleman's information I will read to him what is found in the hearings—No. 9, page 10—on the subject of the increase of the Navy. He was asked by the chairman:

The CHAIRMAN. Have you any suggestions as to the best way of providing for them?

That is, the vacancies.

Captain BROWNSON. Yes; I have given the matter some thought, and saw with a great deal of pleasure your recommendation that the number of midshipmen at the Naval Academy be increased. That was in the same line as recommended by the Chief of the Bureau of Navigation. We will have next June 144 vacancies. These will be due to the class graduating and vacancies which already exist. If the bill passes and you divide it into two parts, we will have then about 400 vacancies altogether.

The CHAIRMAN. You mean if we give to each member of Congress an additional appointment?

Captain BROWNSON. Yes; you will have 491 Senatorial and Congressional appointments.

The CHAIRMAN. New ones?

Captain BROWNSON. No; vacancies. If you divide that in two, it makes 245. Adding that to 144 (there are five Presidential appointments, which really would make that 139), and taking half of 492, making 246, you will have 382 vacancies which will exist next June. Now, the experience of some years has shown that only 70 per cent of those vacancies are filled. That is the experience, and it will not run more than 1 or 2 per cent above or below. Taking off the 70 per cent, it will give 288 midshipmen in the fourth class next year, which is about as large as we can handle.

Mr. FOSS. Mr. Chairman, I understand the purpose of this amendment is to give to retiring members of Congress an appointment who have not made an appointment during the present Congress. Is that right? Now, I submit that if that is the intention, then there ought to be words to that effect in the amendment, and I suggest that the gentleman from Missouri insert the word "retiring" before "Senator."

Mr. MUDD. May I interrupt the chairman of the committee?

Mr. HULL. We will all be retiring.

Mr. FOSS. I mean those who are not coming back.

Mr. MUDD. I want to ask this question. If it be the fact, and it likely will be, that this bill will hardly be signed before very late on the 4th of March, what will be the good of it if it does pass? I apprehend this bill will not be signed until near midnight on the 4th of March, and what time will the gentleman from Missouri have to go to the Department and have his appointment made? So there is no use for his amendment even if it passes, though I have no particular opposition to it.

Mr. MADDOX. Mr. Chairman, I would like to ask the chairman of the Committee on Naval Affairs a question or two. I want to know whether this law providing for the appointment of these cadets changes existing law, that the cadet must be a bona fide resident of the district for two years?

Mr. FOSS. No; it does not change the existing law. That is to say, we reenact the existing law, and provide that the cadet shall be a resident for two years.

Mr. MADDOX. Now, Mr. Chairman, when I first came to Congress I found my district represented by a gentleman from Washington—this city of Washington—and I think about 40 other districts in Congress were represented by nonresidents from somewhere else. For that reason I want to call the attention of the chairman of the committee.

I think, Mr. Chairman, before we vote upon this amendment, or any of them, I should like to hear somebody tell us why we need any additional cadets at the Naval Academy. I have not heard that question discussed, and if somebody will undertake to tell us why we need them, I will be very glad to hear him, and will yield him the balance of my time. We are talking about ap-

pointing this cadet from this place, and giving members of the Fifty-seventh Congress an appointment, and members of the Fifty-eighth Congress an appointment, and so on; but the question is, Do we need any of them? Do we need any additional cadets? If anybody has anything to say on that here, I would be glad to hear him upon that point.

Mr. FEELY. I think this is a desirable amendment, and I am not going to take up the time of the committee to argue the need of additional midshipmen. The fact is, there are some districts in the United States which for some reason or other have not had the benefit of a nomination of a midshipman from those districts during the Fifty-seventh Congress. I believe it is accepted as a fact that we need more naval officers, and no more argument is needed on that point. If, as the gentleman who suggested the amendment has stated, no member of the incoming Congress or any district to be represented in the Fifty-eighth Congress is affected by its adoption, this amendment ought to be adopted. [Cries of "Vote!"]

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to make an inquiry of the chairman of the committee. I am rather disposed to favor anything that tends reasonably to promote the efficiency of the Navy. I understand this section with reference to midshipmen is based upon the idea of the demands of the Navy in the future; that the Navy lacks officers, and this paragraph tends to supply that needed want as it will arise in the future. Now, if that be the fact, which certainly must be true, why is it that Senators and Representatives who have appointed a cadet in the Fifty-seventh Congress should not be allowed the same privileges as those who have not. The object and purpose of the law, as I understand it, is to increase the number of cadets. If I have made an appointment of a cadet during the Fifty-seventh Congress, I have simply complied with the requirements of the law. The object of this statute, as I understand it, is to increase the number of cadets in order to meet the necessities of the Navy in the future. Then why should a man who has complied simply with the statute be deprived of appointing another cadet because he has already appointed one in the Fifty-seventh Congress? Why do you want to exclude Congressmen who have appointed one in the Fifty-seventh Congress?

Mr. FOSS. I understand that the main object in offering the amendment is a sort of compliment to the retiring members who have not appointed a cadet in this Congress, allowing them to make an appointment.

Mr. JOY. Will the gentleman allow me to answer that question? Under this law, the naval bill, as I understand, there can be but one cadet appointed for each Congress by any member of Congress. Now, if the gentleman did not appoint during the Fifty-seventh Congress, he can appoint but one during the Fifty-eighth, although he is entitled to two from his district. There may be a vacancy there—his cadet may have died, and he can not appoint after the 5th of March but one cadet, and if there is a vacancy and he appoints him after the 5th of March he is to be charged to the Fifty-eighth Congress.

Mr. RICHARDSON of Alabama. Then, if I understand the gentleman from Missouri correctly, this is the result, although I hate to make personal reference, but I can only illustrate my views in that way: I have not made an appointment of a cadet since I have been in the Fifty-seventh Congress, but I am allowed the right, as I have been informed, to make one on the 5th day of March of this year. Then, under the amendment, I will not have the right to appoint a cadet in the Fifty-seventh Congress, because the 5th of March is in the Fifty-eighth Congress.

Mr. JOY. Your boy graduated?

Mr. RICHARDSON of Alabama. Yes, the boy appointed by some other member. Now, if I make the appointment on the 5th of March, which I am allowed to do under the notice of the Secretary of the Navy, why should I be excluded from making one in the Fifty-seventh Congress?

Mr. JOY. The bill provides that there shall be only two from each district, and this naval bill provides the additional cadets—i. e., two from each district—shall commence from the time the bill goes into effect.

Mr. RICHARDSON of Alabama. There is where I do not see the justice of that proposition. You are proceeding upon the idea that the Navy demands these additional officers.

Mr. JOY. I am.

Mr. RICHARDSON of Alabama. I am in sympathy with that proposition, but I think the distribution ought to be made as equitably and fairly among us all as can be made; and when you say that any man in the Fifty-seventh Congress who has not appointed a midshipman shall appoint one, you ought to carry out that rule.

Mr. JOY. That would make two in the same Congress.

Mr. SCOTT. Mr. Chairman, after talking with several members of the committee, I find that my amendment to the amendment was offered under a misapprehension, and in order that

there may be no misunderstanding or complexity in regard to the matter, and that the House may vote on the main proposition. I would ask leave to withdraw my amendment to the amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw his amendment to the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RIXEY) there were—ayes 90, noes 43.

So the amendment was agreed to.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 12, page 56, strike out the words "allowed at the Naval Academy" and insert in lieu thereof "appointed at the Naval Academy until June 30, 1911."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I will state that the purpose of this amendment is to limit this great increase of midshipmen at the Naval Academy until the class that last enters prior to June 30, 1911. My amendment strikes out the words "allowed at the Naval Academy" and inserts "appointed at the Naval Academy until June 30, 1911."

Mr. BUTLER of Pennsylvania. Mr. Chairman, I could not hear the amendment read, and I would like to ask the gentleman in which line does he insert his amendment?

Mr. WILLIAM W. KITCHIN. In line 12, page 56. The only purpose will be that until June 30, 1911, these extra appointments shall be made and shall not thereafter be made. Of course we all recognize that we must have more officers for our great Navy. We realize that it is necessary to have a greater number of cadets at the Naval Academy, but there are many of us who do not believe that it is necessary to have this large increase in number of midshipmen made permanent. For instance, if the amendment I have offered is adopted, there will be extra men appointed to the number of 994, or rather 982; and if the three Territories are admitted as States, it would add 12 more, making 994 in all, prior to June 30, 1911, and the class graduating in 1915 will be the last one with this increase.

Mr. BUTLER of Pennsylvania. Mr. Chairman, would it not be very much more easily done to repeal this statute and reenact it?

Mr. WILLIAM W. KITCHIN. I was about to come to that point. We know that it will be much easier to put this limitation upon it now than to repeal the law hereafter. It is easier to limit now than to enact a limitation hereafter. Can you expect a Congress eight or ten years from now, when every member is entitled to the appointment of two midshipmen at the Naval Academy, to repeal it as confidently as you can expect this Congress to put the limitation upon it? This is one of the very points in favor of the amendment. The judgment of every member will tell him that it is not necessary to have this large number in the Naval Academy permanent. The proposition last year was to give an increase of about 500 cadets, running over a period of four or five years. My amendment will give that increase of nearly 1,000 cadets during the period included in my amendment. There will be this increase in appointments to eight classes. These eight classes will increase the number by two cadets during that period from each district and for each Senator and Delegate. They will have the number under the present law and then two additional ones. In other words, they will have a cadet for each term of Congress from now until June 30, 1911.

It seems to me that if you do not now put a limitation on this provision, you will never be able to put it on; and if you never put it on, it will only be a matter of years when our official list will be largely in excess of the demands of the Navy. I am not sure that I can state at this moment how many officers of the line our Navy ought to have. I recollect that the Secretary of the Navy says there is now a deficiency in the number of officers of nearly 600—between 500 and 600. In the regular course of events, without the adoption of this paragraph, there will be an increase of probably 800 officers in the Navy (allowing nearly 200 for failures in examination) within the next eight or ten years. Under this amendment, by the time the last class appointed within the period of limitation graduates there will be probably 1,600 more officers in the Navy than we have to-day, after allowing 800 for failures, deaths, and retirements. There will be 4 classes of 120 each and 8 classes of 240 each, a total of 2,400, without failures or deaths.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. Just one minute more.

The CHAIRMAN. By unanimous consent, the gentleman's time will be extended.

There was no objection.

Mr. WILLIAM W. KITCHIN. I believe the Secretary of the

Navy said that about 40 officers go on the retired list yearly. Under this large increase, if permanent, if there were no failures or deaths, there would be near 250 men to graduate every year. If there should be 50 retirements and deaths, it would leave an increase of about 200 a year, with failures to be deducted, after these classes begin to graduate for which the increase is provided. And during eight years (because there would be eight graduating classes) with this large increase there would be an increase of approximately 1,600 officers, to say nothing of the increase during the next four years from classes now at the Academy. I believe now is the time to make this limitation; we should not await the uncertainty of the future, because, as I have already said, it will be easier to remove the limitation hereafter, if desirable, than it will be to put on a limitation hereafter, if that should become necessary.

Mr. FOSS. Mr. Chairman, Secretary Moody in his report says that we have at the present time a deficiency of 577 officers, and that we shall have, when the ships already authorized are completed, a still further deficiency of 498; and if 125 be assumed as the proper allowance for officers in transit, on shore duty, or on leave, we shall have then a deficiency of 1,306. Now, I doubt very much whether, if we put a limitation upon this provision, we shall be able to secure enough officers to meet that deficiency. And when you take into consideration the further fact that we are providing in this bill for new ships, which must be officered in the future, it is easy to see the effect of limiting this provision to eight years, as suggested by the gentleman from North Carolina.

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me a question?

Mr. FOSS. Yes, sir.

Mr. WILLIAM W. KITCHIN. Is it not true that, allowing 17 officers to a ship, there will be required 68 for the ships carried in this bill?

Mr. FOSS. Battle ships.

Mr. WILLIAM W. KITCHIN. Yes; battle ships and armored cruisers. Then, if we never build our ships faster than we are now doing—and I think we are going ahead fast enough—it will require about 70 officers a year to officer them. Now, if we add something for retirements and deaths, we shall require say 80 officers a year to man our increased number of ships. Now, if we should graduate 250 or 200 men a year, it seems to me it is a simple matter of mathematics when the time will come when we shall be increasing the number of officers every year by something like 100 more men than we shall need.

Mr. FOSS. In the first place, the gentleman does not know how many we shall graduate; and in the second place, he does not take into consideration the matter of retirement.

Mr. WILLIAM W. KITCHIN. I allowed 25 per cent for that.

Mr. RIXEY. I should like to make a single suggestion to the gentleman from Illinois [Mr. Foss]. When the discussion on this bill was opened by the gentleman the other day, I asked him if he remembered that the Secretary of the Navy had said anything in the hearings as to whether there ought to be a limitation. He did not remember; nor did I at that time. I find, however, in the hearings—

Mr. FOSS. I have the statement here.

Mr. RIXEY (continuing). This statement by Secretary Moody:

By the best computation that we can make we, at the end of ten years, would fill up the deficiency which, under present conditions, would then exist.

Then, a few pages further on, the Secretary states, in reply to a question by the chairman as to whether the provision ought to be temporary or permanent:

I do not think it makes any practical difference; I would as lief make it a number of years as not. Of course it is always within the control of Congress at any time.

Then, again, in reply to another question of the chairman, the Secretary says:

I can put it in seven or ten years.

Now, the limitation proposed by the gentleman from North Carolina is eleven years, and I think the effect of the amendment adopted a few moments ago, offered by the gentleman from Missouri [Mr. Joy] is to give us about 200 additional cadets and give them to us at once, because it does not take away from the man who comes into the Fifty-eighth Congress the right to make an appointment.

Mr. FOSS. Well, I think, Mr. Chairman, we better stand upon the statement of the Secretary of the Navy. When this question was put to him, he said: "Of course it is always within the control of Congress at any time." Now, if we put a limitation here, we may make the time too short, but Congress at any time can limit this provision.

Mr. VANDIVER. Does not the chairman concede that it is a much easier matter to put the limitation in now than to repeal the law afterwards?

Mr. DAYTON. Mr. Chairman, I would like to answer that

question. If this amendment prevails as presented here, in 1911—I believe that is the date the gentleman fixes?

Mr. WILLIAM W. KITCHIN. That is the date for the appointments. Of course the classes would contain this increase until 1915.

Mr. DAYTON. Yes. After 1911 there will be no more appointment of midshipmen at the Naval Academy, if this amendment prevails. All appointments will be cut off. There will be no further law providing for midshipmen.

Mr. WILLIAM W. KITCHIN. May I ask the gentleman a question?

Mr. DAYTON. Certainly.

Mr. WILLIAM W. KITCHIN. The gentleman from West Virginia surely knows that we can amend this paragraph if this amendment is adopted, to return to the old law. The gentleman knows Congress will not leave it in the shape he fears it will be left.

Mr. DAYTON. I simply take the gentleman at what he states in his amendment, and it shows the unwisdom of attempting on the floor of this House to interfere with the judgment of the committee where all these matters have been thoroughly and carefully considered. If his amendment prevails, after 1911, eight years from now, there will be no necessity for a Naval Academy, because there will be no law providing for the appointment of midshipmen to be educated there. Now, under these circumstances, his amendment requires a further amendment. It will require further legislation. It is a good deal easier to leave it until the exigency arises showing that we are having more officers created than needed; it is better to leave it until that time and then make the necessary legislation. I think there will be a Congress in session about that time which will be prompt to take the matter up.

Mr. MANN. Will the gentleman yield to a question?

Mr. DAYTON. Certainly.

Mr. MANN. The gentleman will remember the letter which Mr. Tracy, Secretary of the Navy, sent to Congress ten years ago, in which he stated that there was no use for the number of naval officers, that they had more officers than they had ships on which to place them. And was there any proposition made at that time to decrease the number of cadets at Annapolis?

Mr. DAYTON. The period was extended from four to six years. Two or three classes were honorably discharged, and the mistake and blunder of that course is apparent to-day, when we are in condition where we can not man with officers the ships we actually have.

Mr. MANN. But there was no decrease in the number of cadets by action of Congress at that time.

Mr. DAYTON. It was done indirectly by increasing the years relating to appointment from four to six.

Mr. MANN. Does not the gentleman think that that simply illustrates the fact that Congress never has and never will decrease the number of appointments which it itself makes?

Mr. DAYTON. I think it illustrates exactly the contrary, because Congress did decrease the number of appointments, indirectly and practically. It provided that a member of Congress should appoint a cadet once in six years instead of once in four years, and it threw out three, if I remember rightly, at least two, classes that were graduated from the Academy.

Mr. MANN. It threw them out after they had been graduated, but still kept encouraging members of Congress to put new ones in. It kept educating officers for which it had no use at all in the Navy.

Mr. DAYTON. It seems to me that any gentleman who can think for a moment will see that an increase in the years from four to six reduced practically the number of cadets one-third.

Mr. RIXEY. Mr. Chairman, it seems to me that we are going ahead with legislation for cadets more rapidly than the necessities of the occasion require. There should be some limitation, as provided in the amendment. A few years ago a member of Congress only had one appointment to Annapolis in six years. It was during the last Congress, I believe, that the number of years was reduced to four. This Congress has now reduced it to two years, and the question is, Shall we want these appointments every Congress indefinitely?

The Secretary of the Navy during the last Congress came before the committee and stated that he wanted provision for 500 cadets. He did not get them in the last bill. He came before the committee again in this Congress and said he thought 1,000 additional officers would be sufficient to meet the needs of the Navy for the ships already authorized. He said that we had a number of battle ships and cruisers building, and that he wanted officers, but he felt assured that with the provision for a thousand new officers we would have enough under the law as it now exists.

Now, according to a calculation which I have made, and which I believe to be substantially correct, if the limitation of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] prevails we will appoint to the Academy by 1911 not less than 2,000 cadets.

That will give ample provision for the deficiency in officers. It does seem to me, in view of the fact that it can not be denied that when you once give patronage to the House it is very hard to take it away, the time to put a limitation on the power of appointment is now.

Mr. LESSLER. Mr. Chairman, the report of the Secretary, together with the report of the head of the Bureau of Navigation, do not quite bear out the gentleman from Virginia or the gentleman from North Carolina. Briefly, this is a summary of the figures: The number now short is 577; necessary for the new ships now building, taking no account of this programme, 498. Adding 25 per cent for sick leave brings us up to 623. Adding those who die and retire makes 783. These, together with the 577, give us 1,360. From this 1,360 we deduct about 355 who will come from the Academy up to July 1, 1903. This takes no account of the increase granted by the House in this bill.

On July 1, 1903, at the present rate we will be 1,005 officers short. Under the increase, according to the percentage of cadets, we will get about 200 a year four years from this year's class. The Secretary stated that it will take about ten years to supply that deficiency. On this calculation it will take about twelve years of these additional appointments, appointed each year on the basis of figures taken from the report of the admiral who is Chief of the Bureau of Navigation, to catch up with the present Navy, allowing for no increase. Those are the exact figures worked out.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in order that the House may vote upon the exact proposition at issue between us here, I offer an amendment to my amendment. Insert after the word "midshipmen," in line 13, the words:

And thereafter one midshipman as now provided by law.

So that the section will read as follows:

There shall be appointed at the Naval Academy until the 30th day of June, 1911, two midshipmen, and thereafter one midshipman as now provided by law, for each Senator, Representative, and Delegate in Congress—

And so forth. Now, Mr. Chairman, it seems to me that that disposes of one of the criticisms made by the gentleman from West Virginia [Mr. DAYTON] against this provision. It is apparent to anyone, after the inadvertence has been discovered by the gentleman from West Virginia, that it is easy to correct it. It will be obviated by this amendment. It is not the purpose of myself or my colleagues to place a limitation upon this item which will hereafter require legislation for the continued existence of the Naval Academy.

So the only question is whether we shall put this limitation upon it now. I am constrained to believe that unless we do put on this limitation the time will come when the Naval Academy will turn out a great many more officers every year than there is any probability of our Navy requiring. Under this amendment the issue is plainly drawn; and if you desire the limitation, you can support my amendment as I have offered to amend it, knowing that when the limitation expires the Academy at Annapolis will continue to exist practically as under the present law.

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the amendment which the Clerk will report.

The Clerk read as follows:

In line 13, after "midshipmen," insert "and thereafter one midshipman, as now provided by law."

Mr. MANN. Mr. Chairman, a moment ago I asked the very distinguished gentleman from West Virginia [Mr. DAYTON], who knows more about any portion of the Navy than I ever expect to learn about all of it, a question as to a letter sent to Congress by the Secretary of the Navy in 1892. At that time there was before Congress a proposition to turn the Revenue-Cutter Service over to the Navy, and the Secretary of the Navy urged that that be done, because there was no occupation for all the officers being turned out of the Academy at Annapolis. The gentleman from West Virginia, forgetting for a moment his great knowledge of naval affairs, replied that Congress at that time did make a reduction of the number at the Academy.

Mr. DAYTON. I beg the gentleman's pardon. The gentleman mentioned 1892?

Mr. MANN. I said ten years ago.

Mr. DAYTON. I did not so understand him.

Mr. MANN. The gentleman misunderstood—

Mr. DAYTON. I did not understand the gentleman, and he shall not misrepresent me in the matter.

Mr. MANN. The gentleman said that anybody who would think for a moment would know something. The trouble with the gentleman from West Virginia is that he often makes statements without stopping to think for a moment. His whole statement was based upon the question which I asked him in reference to a letter of the Secretary of the Navy ten years ago. But if he did not know the question, his answer, of course, was not appropriate.

Now, Mr. Chairman, the fact is that the Secretary of the Navy

in 1892 said that there was no use for all the officers being turned out at Annapolis, and no effort was made by Congress to reduce the number. Why, Mr. Chairman, it is perfectly preposterous, when this Congress has just effected a gift to members of the Fifty-seventh Congress who were interested, to expect that some future Congress will take away from themselves that same thing or that any Congress will ever reduce the number of cadets after the members have become entitled to the places. There is trouble now trying to fix the date nearly eight years in advance. We have difficulty in limiting the number of cadets to be appointed eight years from now, because many members, like the gentleman from West Virginia (and I hope he will be then in Congress), will then want appointments to Annapolis.

If there is any intention to put a limit to the number of cadets, the time to limit the number is now. If they need more cadets then, they can be provided for then. When there were no places to give to the officers turned out at Annapolis, there was no effort to limit the number to be appointed. When they were seeking opportunities in civil positions, in the Hydrographic Office and elsewhere, to make use of the naval officers, there was no proposition to decrease the number. No proposition will ever be made to decrease the number of the midshipmen or cadets when the midshipmen or cadets can be appointed by the members who will vote upon the proposition to decrease. It is a very easy matter now to ascertain the number needed; and if the cadets will not be needed beyond 1912, I think the committee may well put it in the bill at this time; and if at that time they need more cadets, the Congress of that day will probably remember the ease with which a special rule can be brought into the House, in violation of the ordinary rules of the House, and thereby add to the number of cadets. If we can not vote against it now, eight years in advance, there will be no hope of anybody being able to vote against it at that time.

Mr. DAYTON. Mr. Chairman, I want simply to say that my friend from Illinois and I have had a misunderstanding in regard to the period of time he refers to. I recall his attention to the fact that heretofore there was sent to Congress the suggestion that a larger number of cadets were being graduated than the service required; and in accordance with that suggestion the term of the Academy was increased from four to six years; and I presumed that he was referring to that. Now, Mr. Chairman, in regard to this fixing the limit of time, it seems to me that it is just as easy for a future Congress to repeal as it will be to limit it now. In truth and in fact, Mr. Chairman, I think it would be an advantage for the service if we would educate naval officers, and military officers too, for that matter, and allow them to be honorably discharged and sent out into the country. During the Spanish war, and I am glad to bear this testimony, it was a good thing that there were naval officers who had graduated from the Academy and yet who had the pride of their education in their hearts; it was a good thing to have them throughout the country both as West Point graduates and as Annapolis graduates, for in every instance they were great powers to strengthen and increase the service when it needed to be increased quickly.

Mr. VANDIVER. Mr. Chairman, I only wish to make one or two brief observations. The gentleman from West Virginia [Mr. DAYTON] a moment ago remarked that this amendment furnished an illustration of the unwisdom of attempting legislation here on the floor of the House and interfering with the committee's bill. I hope the gentleman does not mean to intimate that this provision comes from the committee with absolute unanimity. I hope he does not mean to intimate, either, that the members of this House are incompetent to pass upon simple propositions like this. I want to remind him that not even the Secretary of the Navy, who originally urged upon us the need of more cadets, objected to putting into the provision this limitation as to the time that it should run.

I want to remind him furthermore of a very well-established fact of legislation, that it is an easy matter to create an office, or provide for an appointment, but the Almighty himself hardly has power in this House to repeal one. [Laughter.] I have never heard of its being done since I have been a member of Congress. I think it is the part of wisdom and prudence, of foresight and statesmanship, to look a little ahead of us and see the difficulty under which those members who may sit here eight or ten years from now may be laboring, and to provide, as far as may be, for lightening their burden of responsibility.

As has been well said by the gentleman from Illinois, if we can not to-day put some check upon the process of multiplying public offices, how can we expect that those people, who are to come afterwards, and have these offices already at their disposal, will have strength and courage enough to resist the temptation to hold onto them. I think it would be wise and prudent if we put a limitation to this, and, in doing so, we will not be antagonizing the suggestions of the Secretary of the Navy himself. We will get 2,500 when only 1,000 extras are needed. I think there ought

to be some limitation. I am in favor of the amendment offered by the gentleman from North Carolina [Mr. KITCHIN].

The CHAIRMAN. The question is on the adoption of the amendment to the amendment offered by the gentleman from North Carolina.

Mr. WILLIAM W. KITCHIN. Will the Chair have the amendment to the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will read the amendment to the amendment.

There was no objection.

The Clerk again read the amendment to the amendment.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent that both amendments be voted upon together, as it is really one amendment as read.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his amendment be considered as amended. Is there objection? [After a pause.] The Chair hears none, and the amendment to the amendment is agreed to.

The question now arises on the amendment offered by the gentleman from North Carolina as amended.

The question was taken; and on a division (demanded by Mr. WILLIAM W. KITCHIN) there were—ayes 46, noes 51.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I respectfully call for tellers.

Tellers were ordered; and the Chairman appointed as tellers Mr. WILLIAM W. KITCHIN and Mr. FOSS.

The House again divided; and the tellers reported that there were—ayes 63, noes 79.

So the amendment was lost.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, in line 25, page 54, after the word "act," the following: "Ten additional chaplains; in all, 34."

Mr. FITZGERALD. Mr. Chairman, there are now 24 naval chaplains. This has been the number in the Navy for over thirty years. In that time the enlisted force of the Navy has been increased four or five times over. In a letter dated the 4th day of January, 1902, Mr. William G. Cassard, a chaplain of the United States Navy, addressed a communication to the Secretary of the Navy, from which I read:

U. S. S. CONSTELLATION,
Naval Training Station, Newport, R. I., January 4, 1902.

SIR: In accordance with permission granted me by the Department in its letter dated December 23, 1901, I have the honor to submit for your consideration and action the following regarding the chaplain corps of the Navy:

2. I would respectfully suggest the desirability of increasing the number in the corps of chaplains from the present limit of 24 to at least 34.

3. The existing number was determined when the Navy was much smaller than it is at present and when the need for a large number of chaplains was not so pressing. At that time the number of chaplains was much larger, relatively, than would be the case at present if the increase should be allowed.

4. At present there are many of our larger class of ships and a number of important shore stations without chaplains, and with the enlargement of the Navy this must be increasingly true unless the corps is adequately enlarged.

5. At this time legislation is pending looking to the enlargement of other corps, and doubtless the increase of the corps of chaplains could be accomplished more easily now than at any future time.

In answer to that communication the then Secretary of the Navy, Hon. John D. Long, under the date of January 19, 1902, wrote as follows:

NAVY DEPARTMENT, Washington, January 19, 1902.

SIR: The Department is in receipt of yours of the 4th instant, submitting suggestions with regard to the number and pay of naval chaplains.

The Department agrees with you that the number, now 24, should be increased, in view of the general increase of the Navy, and it recommended an increase to the last Congress.

Mr. Chairman, the commissioned officers, the enlisted men, and the noncommissioned officers of the Navy proper and the enlisted men, noncommissioned officers, and commissioned officers in the Marine Corps aggregate some 41,000 men, all under the control of the Navy Department. For these men there are now 24 chaplains. The time was in the history of our Navy when every ship having a complement of over 200 men was provided with a chaplain. It appears from the report of the Secretary of the Navy that there are now constructed, or under construction, 10 vessels with a complement of 17 officers, 8 with 15 officers, 9 with 12 officers; in all, 27 vessels, each of which have a complement of more than 300 and perhaps 400 men. There should be in the service a sufficient number of chaplains to assign one to each of these vessels.

In addition to that, there are a large number of naval stations, navy-yards, and other places where enlisted men of the Navy are stationed to which it has been customary to assign chaplains. Wherever there is a receiving station, a naval prison, or any place of that character, chaplains have been assigned. For a number of years Congress has been providing for an increase in the enlisted force of the Navy, but no provision whatever has been made for an increase in the number of chaplains. In this bill 286

additional naval officers are provided, but no additional chaplains. Perhaps it is not well known how valuable a chaplain can be on board of a vessel in the Navy of the United States, if he is a man of the proper character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that I may continue for five minutes.

There was no objection.

Mr. FITZGERALD. On all these vessels the line is clearly and distinctly and severely drawn between the enlisted men and the officers. The men on these ships are away from home influence. They have no friends in whom they can confide when in trouble or distress. The only person in the whole naval service who is in a position to give these men kindly advice, to admonish them, to help them when in trouble, is the naval chaplain. He is the great and kind friend and confidant to whom the enlisted men turn when worry, trouble, or distress possess them. A word from him may put sunshine into the heart of the unhappiest.

It is a notorious fact that the discipline on board the great vessels of the Navy is much better, the control of the men is much easier, when there is assigned to duty on board such vessel a chaplain who by his kindness, by his wisdom, by his love and devotion to the wants of the enlisted men keeps them within proper bounds.

Here is the one opportunity that members of this House will have to vote an increase in this corps. All other branches of the service have been increased but this. Ordinarily such an amendment would not be in order on a bill of this kind, because it provides an increase in the corps of chaplains, and would be a change in existing law and subject to a point of order.

Since some date in the sixties—I have not the exact year—this corps has remained at its present number—24. Mr. Long, the former Secretary of the Navy, in reply to Mr. Cassard, said it was realized that an increase should be made. If the men in the service of the country in the Navy are to receive the consideration to which they are entitled, if the men with conscientious scruples against serving in places where there is no opportunity ever to consult a minister of religion are to have their wants properly attended to and looked after, and if the service is to be made what it should be, this amendment will be adopted.

Mr. BUTLER of Pennsylvania. Mr. Chairman, the chaplains of the Navy have pending before the Committee on Naval Affairs a provision which, in my judgment, should have consideration, first by that committee and afterwards by the House. For the information of the gentleman from New York [Mr. FITZGERALD], I will say that an attempt was made to provide for the betterment of the chaplains of the Navy. By reason, however, of the pressure of public business, it was found impossible at this session to report a bill which would be entirely acceptable to the chaplains and the Department.

I agree with the gentleman that there is occasion for legislation in behalf of this department of the service; but I suggest to him the propriety of allowing the amendment to lie over until a future time—perhaps the next session of Congress, when I hope to see reported here for the consideration of the House a bill which will not only increase the number of chaplains in the Navy, but will give them increased chances for promotion, which they desire.

Mr. FITZGERALD. Let me say to the gentleman that on the 4th of February, 1902, I introduced a bill, which was referred to the committee of which he is a member, increasing the number of chaplains from 24 to 40. That bill has never received consideration. The committee passed by that proposition at the last session and has passed it by at this session. Now, when will it be possible for that bill or any similar bill to receive consideration at the hands of the Naval Committee?

Mr. BUTLER of Pennsylvania. Three chaplains of the Navy came to the committee room within the last four weeks and asked to be heard. The committee sat and listened to the request they had to make and assured them that it would be impossible to concede to them at this session of Congress, by reason of the shortness of the time, the request which they had to make.

Mr. UNDERWOOD. Will the gentleman allow me a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. UNDERWOOD. Has the Naval Committee at this session reported favorably to this House any general legislation except what is contained in this appropriation bill?

Mr. BUTLER of Pennsylvania. As affecting the personnel?

Mr. UNDERWOOD. Yes.

Mr. BUTLER of Pennsylvania. I think not.

Mr. UNDERWOOD. Or any other proposition?

Mr. BUTLER of Pennsylvania. I think not. I will say to the gentleman that some private bills, of course, have been reported.

Mr. UNDERWOOD. I mean legislation of a public character.

Mr. BUTLER of Pennsylvania. I will say further to the gentleman that I pressed with all my might upon the committee a

provision for the enlisted men of the Navy. It was, however, deemed advisable that in this bill there should not be incorporated legislation of that character. I want to assure the gentleman from New York [Mr. FITZGERALD] that my sympathy is with his proposition—not simply to increase the number of chaplains, but to so legislate for them that they may have a chance for promotion.

Mr. FITZGERALD. If we could have the active support of the gentleman now, as well as his sympathy, it would be much more satisfactory and effective.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I may say to the gentleman from New York [Mr. FITZGERALD] that the three chaplains who appeared before us did not ask, according to my recollection, for an increase.

Mr. FITZGERALD. Is it not a fact that when the chaplains appeared, to which the gentleman refers, that the chaplains were asking for some legislation regarding pay, which has nothing whatever to do with the question of an increase in the corps?

Mr. WATSON. But, has the gentleman heard from any source—

Mr. FITZGERALD. Why, I just read from the letter of the then Secretary of the Navy, dated January, 1902, in which he states that at the last Congress he recommended an increase in this corps.

Mr. WATSON. Has anybody asked on the part of the chaplains an increase in the number of chaplains?

Mr. FITZGERALD. The Secretary of the Navy did recommend it in his annual report.

Mr. WATSON. No, no—

Mr. FITZGERALD. But I have just read from his letter, and I will ask the Clerk to give it to me and I will read it again. It is a letter signed by the Secretary of the Navy, and it is as follows—

Mr. WATSON. Oh, I understand what is in that letter. There is no need for the gentleman to recite the alphabet here. We all know it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Pennsylvania be extended. Is there objection?

There was no objection.

Mr. BUTLER of Pennsylvania. Mr. Chairman, is that my time that was just extended?

The CHAIRMAN. Yes.

Mr. BUTLER of Pennsylvania. Before I yield any of it, I would like to correct a statement I made. The chaplains did ask for an increase, but they impressed upon us with greater earnestness a request for increase of salary.

Mr. FITZGERALD. They were probably looking out for their own interests. I am looking out for the interests of the enlisted men who require the services of these chaplains, and I wish to read this letter for the benefit of the gentleman from Indiana.

Mr. WATSON. But I have been all over it.

Mr. FITZGERALD. But the gentleman says that no recommendation was made.

Mr. WATSON. But there were some things which happened of which my friend is not cognizant and has no knowledge. After this letter appeared the Secretary of the Navy came in person before our committee and asked us to defer any further action in regard to the chaplains.

Mr. FITZGERALD. I am familiar with that fact, and it grew out of the fact that some of the chaplains were dissatisfied with the pay they were receiving.

Mr. WATSON. Yes; that is true.

Mr. FITZGERALD. And I have no sympathy with those who are dissatisfied; but I do believe that the number of men anxious and willing to serve at the pay now given should be increased for the benefit of the men who need their services.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I did not ask for this time which has been granted to me, and am very much obliged to the gentleman who secured it for me. I would like to surrender it to the donor. Who was it?

Mr. GAINES of Tennessee. Mr. Chairman—

Mr. BUTLER of Pennsylvania. Why, I will yield it to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Oh, no, no!

Mr. BUTLER of Pennsylvania. Oh, yes, yes!

Mr. GAINES of Tennessee. I want to ask my friend some questions. The gentleman is a member of the committee. I would ask if he thinks the Navy needs more chaplains?

Mr. BUTLER of Pennsylvania. That is a very hard question to answer. I never was in the service, and I do not know whether they do or not.

Mr. GAINES of Tennessee. Do they need those chaplains? Mr. BUTLER of Pennsylvania. I can not answer the question because I do not know. I, however, think that as the men in the Navy increase the chaplains should increase.

Mr. GAINES of Tennessee. Have you not increased the Navy? Mr. BUTLER of Pennsylvania. We have.

Mr. GAINES of Tennessee. Are you not increasing it now? Mr. BUTLER of Pennsylvania. It is proposed by the bill to increase it.

Mr. GAINES of Tennessee. Then do not you want some more chaplains?

Mr. BUTLER of Pennsylvania. But the chaplains are asking for additional legislation.

Mr. GAINES of Tennessee. I say that I think they need a few more chaplains in the Navy. [Laughter.]

Mr. BUTLER of Pennsylvania. Now, in answer to the gentleman, I will say that I do not know that the Navy needs more chaplains. I do say this, that the Secretary of the Navy, as I understood, advised us not to increase the number at this session of Congress. I would assume, however, that if the men increase, the chaplains should be increased, and if, at the right time, the proposition is submitted to me I will vote for an increase in the number of chaplains.

Mr. GAINES of Tennessee. I am glad you are converted now.

Mr. WATSON. Mr. Chairman, I want to make just one statement about this. There need be no difficulty. The Secretary of the Navy originally suggested that there should be some additional chaplains. When he came before the committee he said that he had not had time to investigate the question thoroughly; that there were some questions of rank and pay involved—some questions of increase of salary involved, and that inasmuch as he had not had time to look into it and examine it thoroughly, he suggested that we postpone action until the next session of Congress.

Now I will answer my friend from Tennessee [Mr. GAINES] and say that there is probably at this time a need of some more chaplains in the Navy. But, Mr. Chairman, whenever the Navy is increased it should be done systematically and upon a rational basis. We have been increasing a little along this line and a little along that line, adding a little to this staff and a little to that staff, until it is the aim, object, and desire of the Committee on Naval Affairs at the next session of Congress to take up the entire question of the personnel of the Navy and increase it systematically and in accordance with the provisions of law, so that we will not have to be legislating upon an appropriation bill, but put it all on a rational basis. I trust that the gentleman will not press this, because at the next session of Congress these things are sure to be done; there will be no suffering in the meantime, and what he wants done will be done systematically and rationally.

Mr. VANDIVER. Mr. Chairman, my friend the gentleman from Pennsylvania has, I think, unintentionally put the chaplains in somewhat of a false position when he said that while it was true they had asked for an increase of the number, they had asked with much more earnestness for an increase of salary. Now, as I understood their request, they were very earnest in their petition for a larger number, for an increase of their corps, and their petition for an increase of salary was based only on the incidental advantage of thereby making a rearrangement of their rank.

As it is now, the chaplains, differently from all the other officers of the Navy, go in at a certain salary and remain at that salary. Now, I think what they complained of was not so much the total amount of the money appropriated for that corps as the distribution of it, and I think myself that their complaint was well founded. I do not know that this is going to be entirely satisfactory, even if this amendment is adopted. I am sure, in fact, that it will not be entirely so. But it will cover their request in one particular at least. Now, ordinarily I am opposed to increasing any kind of offices, or the number of appointees; but in a case like this I am disposed to concede the necessity for some more praying in the Navy, and I would still further favor it if it was to be for a little more praying on the other side of the House. I hope the amendment will be adopted.

Mr. BUTLER of Pennsylvania. Mr. Chairman, just one minute. I should like to assure the gentleman from Missouri [Mr. VANDIVER] that I had no intention whatever of putting the chaplains in a position which they did not take before the Committee on Naval Affairs.

Mr. GOLDFOGLE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. BUTLER of Pennsylvania. I should like to finish this statement. I find that in the hearing that was had before the committee by a reference to the headings we can see the different questions discussed. I find "Chaplain Clark's statement," covering perhaps eight or ten lines; "Number of chaplains, 24,"

covering five lines; "Rank and number," four or five lines. Then I find other headings; "Chaplain's position;" "Chaplains get \$2,800;" "Allowance, \$109;" "Young and old chaplains have same duties;" "Question of chaplains as seagoing officers;" "Question of military title;" "Clergymen could not command;" "Other side of question of increasing pay of chaplains;" "Mr. BULL's bill;" "Mr. DAYTON's bill;" "Objection to chaplains' pay;" "Want increase of corps;" "Objections to start as ensigns;" "Allowances, discrimination;" and so on. I did not mean to put the chaplains in a bad position or in a wrong position.

Mr. VANDIVER. I am quite sure of that and I so stated.

Mr. BUTLER of Pennsylvania. And I refer the gentleman to the hearings. I sat and listened to the three chaplains for two hours, and I have quite a clear recollection of what they said.

Mr. VANDIVER. If the gentleman wishes to stand by his other statement, I have no objection.

Mr. BUTLER of Pennsylvania. I have no objection to standing by it.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. FITZGERALD. Division.

The committee divided; and there were—ayes 27, yeas 60.

So the amendment was rejected.

The Clerk read as follows:

The Secretary of the Navy shall as soon as practicable after the 5th day of March in each year notify in writing each Senator, Representative, and Delegate in Congress of any vacancy which may be regarded as existing in the State, District, or Territory which he represents, and the nomination of a candidate to fill such vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate. Such recommendation shall be made by the 1st day of May of that year, and if not so made the Secretary of the Navy shall fill the vacancy by the appointment of an actual resident of the State, District, or Territory in which the vacancy exists, who shall have been for at least two years immediately preceding his appointment an actual bona fide resident of the State, District, or Territory in which the vacancy exists and shall have the qualifications otherwise prescribed by law.

Mr. DICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting on page 57, line 12, after the word "law," the following: "And provided further, That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy and shall not thereafter be appointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army, Navy, or Marine Corps until two years after the graduation of the class of which he was a member."

[Loud applause.]

Mr. DICK. Mr. Chairman, the language of the amendment is identical with the language of the law which we applied to West Point for the suppression of hazing two years ago and which has proved very efficacious, there being but one instance of an offense that has been discovered at West Point since its enactment. It perhaps ought to have applied to both institutions when enacted two years ago. It is quite apparent that it ought to apply to both institutions now, and I trust that it may be adopted in this bill.

Mr. FOSS. Mr. Chairman, I desire to state that I approve most heartily of this provision. I think it is good, healthy legislation.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Pay of civil force: In the office of the Major-General Commandant: One chief clerk, at \$1,600; 1 clerk, at \$1,200; 1 messenger, at \$840.

Mr. SULZER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 60, line 14, strike out "eight hundred and forty" and insert "\$971.28."

Mr. FOSS. I reserve the point of order.

Mr. SULZER. Mr. Chairman, this provision relates to Mr. John W. Armstrong, a messenger in the Commandant's office. He is an excellent man in every way. This messenger in the office of the Commandant of the Marine Corps was appointed on December 5, 1895, at a salary of \$971.28 a year. This salary for this position has been the same since 1870. He is the messenger at the Marine Corps headquarters, and his duties are different from other messengers in the Departments; that is, when some of the clerks of the Commandant's office are off on leave, or sick, he performs their duties. In addition to that, he is responsible for all mail matter sent or received at the headquarters. He receipts for all registered mail, and he collects and sends money orders and mails checks from the Department. There are over \$3,000,000 sent out in this manner each fiscal year. He works every Sunday and on all the holidays in the year. The estimates sent by the Navy Department included this salary at \$971.28, as usual.

Now, Mr. Chairman, the point of order does not lie against

this amendment, because it is the existing law; but for some reason or other the Committee on Naval Affairs in making up the bill cut the salary of this messenger down \$131 a year. I know this messenger is one of the most faithful in the Department and one of the most efficient men to-day in the public service, and instead of getting \$971 a year he ought to get about \$1,500; but I do not ask for an increase of his pay. I simply ask this House not to reduce his pay. I called to see the Secretary of the Navy about this matter, and he told me that he had not recommended the reduction of the pay of this messenger. I trust that this amendment will be adopted and that this messenger will receive the same salary he has been receiving ever since he has been in the public service. He is an honest, faithful, and capable man, and his pay should not be reduced. It is a matter of justice, and I appeal to the members to do the fair thing in the matter. That is all I want to say.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Illinois whether this is already the existing law.

Mr. FOSS. Mr. Chairman, I desire to say in reference to this matter that the Secretary of the Navy, since he has been in charge of the administration of the Navy Department, has been trying to equalize the pay of clerks and messengers all along the line, and it appears in the hearing before the committee that question was taken up.

The CHAIRMAN. The messenger is cut down from \$971.28 to \$940? Colonel GOODLOE. That was done by the Secretary.

The question was asked:

Why?

Colonel GOODLOE. I presume so as to put him on the same footing as messengers of the Navy Department.

The CHAIRMAN. Has there been an equalization all the way through the clerks?

Colonel GOODLOE. In this office.

The CHAIRMAN. Only in the Marine Corps?

Colonel REID. Yes, sir.

Now, the purpose of the Secretary of the Navy has been to equalize the pay of the clerks in the Marine Corps with those in the Navy Department proper. I think it is legislation along the right pathway. I have nothing to say as to this particular individual, because I do not know him, but I believe we ought to sustain the Secretary of the Navy in his endeavor to work out some of these problems which are constantly confronting him.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. FOSS. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SULZER) there were 31 ayes and 48 noes.

Mr. SULZER. Mr. Chairman, I call for tellers.

The CHAIRMAN. Tellers are demanded. [After counting.] Sixteen gentlemen rising, not a sufficient number, and tellers are refused.

So the amendment was lost.

The Clerk read as follows:

Fuel, Marine Corps: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, \$45,000.

Mr. SULZER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After line 22, page 62, insert:

"That the Secretary of the Navy be, and he is hereby, authorized to pay to the Pain's Fireworks Company the sum of \$25,000 as and for damages in full settlement of the claims of said Pain's Fireworks Company against the United States, caused by the sale of blank cartridges by the United States to said company and which caused injury and damage by reason of the fact that some of said cartridges were loaded, and the said sum of \$25,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be drawn on the warrant of the Secretary of the Navy, to settle in full said claims as aforesaid."

Mr. FOSS. To that, Mr. Chairman, I make the point of order.

Mr. SULZER. Mr. Chairman, I ask the gentleman from Illinois to withhold his point of order until I can explain this matter to the committee.

Mr. FOSS. I will reserve the point of order.

Mr. SULZER. Mr. Chairman, the amendment speaks for itself, but I desire to address the House briefly in regard to it. On the 5th of June, 1899, Pain's Fireworks Company, a corporation organized under the laws of the State of New York, purchased at the Brooklyn Navy-Yard, on a sale of condemned stores belonging to the Navy, sold by sealed proposals, certain goods, among which were "Lot No. 323, consisting of 36,709 cartridges, rifle blank, caliber .45." These cartridges were delivered to the company in the original Government packages, containing about 1,000 cartridges to the box, with the Government label and stamp affixed to each box, stating that they were blank cartridges. Prior to the sale the company sent one of its men to Dover, N. J., at which place these cartridges were stored, and he was furnished with samples of the cartridges, and which were blank cartridges.

The boxes containing the cartridges were trucked to the factory of Pain's Fireworks Company, at Greenfield, Brooklyn, N. Y., and there stored in the original boxes intact. In September, 1899, the company was engaged in giving a series of spectacular pyrotechnical performances at Columbus, Ohio, necessitating the use of these blank cartridges in a theatrical representation of the battle of San Juan. A very serious accident occurred, causing the death of two people and serious injury to several others, by reason of the fact that mixed in with the cartridges sold to the company by the Government as blank cartridges were certain ball cartridges, known as "gallery" cartridges. The bullets causing the injury were recovered and found to be those used in "gallery" cartridges, and on opening additional boxes a number of loaded cartridges were found distributed among the blanks.

These "gallery" cartridges are in appearance similar to blank cartridges, and as they were sold to the company as blank cartridges and labeled as blank cartridges it was impossible to discover the presence of the bullets. The Pain's Company traced the "gallery cartridges" and found that they were made at the Government arsenal at Frankford, Pa. How they came to be mixed in with the blank cartridges, packed in boxes labeled for blank cartridges, is not known. As it was, a dreadful accident occurred, accompanied by loss of life, and its effect was ruinous to the corporation named. Immediately after the accident about \$4,000 of the company's money in Columbus, Ohio, was attached in suits for damages, large claims were presented against the corporation, its season at Columbus came to an end, and a series of performances contracted for at Cincinnati in the following week also resulted in loss on account of the fatality.

Such an accident was unheard of in the experience of the company or its officers, and its effect was such that the business of the company was practically terminated. Litigations were commenced by those injured and it resulted finally in the company being thrown into bankruptcy in the district court of the United States for the eastern district of New York. A trustee in bankruptcy was appointed and he is administering at the present time the affairs of the corporation. It is believed that this terrible accident was caused by the negligence of some of the employees of the Navy Department, and that in the interests of justice the Government should make good the loss which came to the company and ruined it. Without considering the irreparable injury which the company has suffered through its enforced bankruptcy, it can trace a direct loss of at least \$25,000 to this occurrence, for which sum it has made and filed a claim.

In November, 1899, the former president of Pain's Fireworks Company communicated with Admiral Philip, then commandant at the Brooklyn Navy-Yard, giving him all the facts.

This correspondence was referred to the Bureau of Ordnance, Navy Department, Washington, D. C. Thereafter the claimant received a letter from Admiral Charles O'Neil, Chief of the Bureau of Ordnance, dated November 29, 1899, in which it was stated that the Bureau had some proof that no such ammunition as that which did the damage had ever been in the possession of the Navy, and stating that the Union Metallic Cartridge Company had informed the Bureau that such ammunition had been made in some instances for State troops. It was also suggested that the State troops at Columbus, Ohio, who took part in the theatrical performance, may have had a few of these gallery cartridges in their boxes, some of which might have caused the damage, and urging that the matter be further investigated. The company was also requested to keep unbroken packages purchased from the Government intact, as an officer from the Bureau would be detailed to overhaul them. But, sir, there can be no mistake about the fact that these ball cartridges came from the boxes purchased from the Government. Immediately after the accident the company opened other boxes, which were in exactly the same condition in which they came from Dover, N. J., and found these ball cartridges mixed in with the blanks. There was no opportunity for the introduction of ball cartridges through error or in any other way. The negligence occurred in the original packing of the boxes, which were labeled "Blank" when they came from the Navy Department.

The corporation of Pain's Fireworks Company has filed all the papers with the Secretary of the Navy. The Navy Department has made a very careful investigation in the matter through its officials and admits that the Government is liable in damages to this company. The claim originally put in by the company is only for \$25,000—a very small claim, all things considered. It ought to have been at least \$50,000; but this claim was filed promptly at that figure, and the company is now willing to accept that sum in full settlement. It is a just claim and should be paid. The circumstances are deplorable, and the facts can not be successfully controverted. In January of this year I introduced a bill similar to this amendment, at the suggestion of the Secretary of the Navy, and that bill is now pending before the Committee on Naval Affairs. All the papers in the case are

now before that committee. In this connection I will read the following affidavit, viz:

STATE OF ILLINOIS, County of Cook, ss:

Edward Maher, being first duly sworn, on his oath deposes and says that he is a member of the Chicago bar and has been engaged in the practice of his profession as a lawyer in Chicago for many years; that shortly after the 7th day of September, 1899, he was retained and employed by the Pain's Fireworks Company for the purpose of arranging the defense of the said company against certain suits then threatened, growing out of the death and injury of several persons at Columbus, Ohio, on the 7th day of September, 1899.

This affiant further says that he investigated the cases upon his arrival at Columbus and found that a regiment of Ohio State infantry had been engaged with the Pain's Fireworks Company in giving a certain open-air entertainment depicting scenes from the recent Spanish war at the battle of San Juan Hill; that certain cartridges supposed to be blank had been issued by the Pain's attachés to the regiment, and that during the mimic representation of battle the regiment had fired in the direction of the audience, wounding Max Gugenheim, a young man, Smithson, another young man, and one killed, a child named Charles Krag.

This affiant visited the coroner's office at Columbus, Ohio, in September, 1899, and examined the bullet which was exhibited to him by the coroner of the county in which the city of Columbus is situated, and which said bullet was then a part of the records in the case of the inquest on the death of the boy, Charles Krag. The bullet was evidently a target-practice bullet, being somewhat larger than a pea and was round, except where it had become flattened by contact with the skull of the child.

This affiant learned that the regiment was armed with Springfield rifles, caliber .45, and had used same at sham battle. This affiant says he is familiar with the said weapon, having carried one for three years while serving as a private and noncommissioned officer in the Illinois State Infantry, and also was familiar with said weapon through having served as captain commanding a company of infantry of the Illinois State Guards for the further period of three years.

This affiant, from his knowledge so gained, believes that said bullet was an ordinary target-practice bullet, such as he had seen used in target practice with Springfield rifles, caliber .45, and it was not the ordinary service missile used in said rifle.

This affiant further says that he was present on the trial in the circuit court of Cook County, in Chicago, Ill., in the case of Max Gugenheim against Pain's Fireworks Company, for damages, occasioned by being shot on the above date at Columbus, Ohio, and on the same occasion that young Krag was killed. Gugenheim testified that he stood in front of the grand stand, from 150 to 200 feet from where the regiment was firing in the mimic battle aforesaid. Other witnesses testified that the exhibition was going on from 15 to 20 feet from where Gugenheim was standing, there being about 10,000 people on the ground. Mr. Gugenheim testified that he was struck below the right shoulder; that the bullet passed through his body and lodged close to the skin; that he was laid up for a long time after that in consequence of the accident.

Dr. C. M. Taylor, the surgeon called immediately after the shooting, testified that he reached Gugenheim ten or fifteen minutes after the injury; that he examined the patient's pulse, which showed evidence of considerable shock to the system; stimulants were administered, and removed clothing; found an injury on the right side of the chest and at the upper part of the front corresponding to about the fourth or fifth rib; found a wound from which the blood had been freely oozing, and which wound was ragged in appearance. He determined the ball had passed through the body to the extent of about 10 inches, coming near to the surface posteriorly on a line nearly level with the point of entrance in front. He extracted the ball in the presence of a number of doctors. The weight of the ball is about 2½ drams. He remained in the hospital ten days, and was under the doctor's care for three or four weeks daily thereafter at the home of the patient.

The doctor considered a wound of this character in the location described as of a serious nature, implicating, as it undoubtedly did, important blood vessels and nervous structures. The patient would not, in his opinion, ever entirely recover from the effect of the injury, being such effects as he had just described, together with a predisposition to atmospheric influences and climatic changes, subjecting him to rheumatic conditions and nervous debility.

This affiant has repeatedly seen Springfield rifles discharged while carrying the ordinary service bullet and has noted the effect upon substances struck by the missile, and from such observation he is strongly of the opinion that the ordinary bullet would have completely pierced the body of Gugenheim and would have caused his death. This affiant has no hesitancy in saying from information derived from hearing testimony of witnesses, and the examination of the bullet taken from young Krag's skull, that the bullets were apparently target-practice cartridges, such as he has seen used in Springfield rifles.

Further affiant saith not.

EDWARD MAHER.

Subscribed and sworn to before me this 27th day of January, 1903.

[SEAL.] IDA G. ROCK, Notary Public.

Now, Mr. Chairman, the Government should pay this money; the company is anxious to get it as soon as possible, in order to wind up its affairs in the bankruptcy court and get out of bankruptcy. If this money is promptly paid it will be able to pay its creditors—the principal creditors being those who have become such by reason of this accident—about 35 cents on the dollar, as I am informed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I ask a few minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. SULZER. Mr. Chairman, the trustee in bankruptcy of this corporation called to see the Secretary of the Navy, and was told that there were no funds available to liquidate this claim, and it was suggested that a bill be introduced here to do it. This was done, but the committee has been so busy it has been unable to consider it thus far. In order to expedite the payment of this just claim I offer the amendment to the naval appropriation bill, because I realize it is very important to this company, a very well-known company in this country, to get the money justly due it, in order to settle its affairs and get out of bankruptcy. I believe the Secretary does not object.

Mr. FOSS. Has the gentleman a letter to that effect?

Mr. SULZER. No; I have not a letter to that effect, but I spoke to the Secretary about the matter, and he said that the relief prayed for must come through Congressional action, and I believe he sent all the papers in the matter on file to the Naval Affairs Committee, where I suppose they are now. We all can see that this is a legitimate claim against the Government. It ought to be paid, and paid immediately, for unless the money be appropriated now in this bill it can not be paid until the next Congress meets, and this delay will prevent the company from getting out of bankruptcy for a year or more. I trust that the gentleman from Illinois will withdraw the point of order, so that this amount may be appropriated in this bill and the claim speedily settled.

Mr. CANNON. If this company has, as the gentleman says, a legal claim against the Government, why should they not take their action into court?

Mr. SULZER. The company can not sue the Government in court. The gentleman from Illinois knows that.

Mr. CANNON. Oh, yes; they can sue in any district court, or in the Court of Claims.

Mr. SULZER. The gentleman is in error. The company can not sue in any court.

Mr. CANNON. Yes; they can sue in the district court under the Tucker Act.

Mr. COCHRAN. No action for damages would lie under the Tucker Act.

Mr. SULZER. That is so; there can be no doubt about that.

Mr. CANNON. I understood that this was a claim which could be prosecuted against the Government.

Mr. SULZER. It is certainly a just claim which ought to be paid now, but the money must be appropriated by Congress.

Mr. CANNON. I do not know that I understood what the gentleman meant. I have an impression that the Government is not liable in damages in court; but I just wanted to find out about this matter.

Mr. SULZER. Well, the gentleman admits now that he was mistaken when he said that this company could bring a suit in any of the courts. Of course the gentleman knows better than that. He may not be a very great lawyer, but he is too good a legislator not to know better than that.

Mr. CANNON. I thought, when my friend stated that the Government was liable, that this was a claim which could be enforced at law. I misunderstood my friend, however.

Mr. SULZER. And I will now say I misunderstood the gentleman from Illinois. [Laughter.]

Mr. FOSS. Mr. Chairman, I think this is a matter which should have gone to the Committee on Claims. I ask a ruling on my point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order—

Mr. SULZER. Just a moment. Of course I know that a point of order made by the gentleman will lie against this amendment; but, sir, after I introduced this bill I went before the Committee on Naval Affairs to get it reported. The chairman was present. I explained the provisions of the bill; I explained the position of the Government in regard to it—how the company wanted it settled, how anxious the creditors were to get their money, and the company to get out of bankruptcy; and although the chairman of the committee did not tell me in just so many words that he would not raise the point of order if I offered it as an amendment, yet from the way the gentleman smiled at the time [laughter] I was inclined to believe that when this matter came up in the House he would raise no objection to its adoption; but he has, and I now realize the force of the old saying that "a man may smile and smile and be a villain still." [Laughter.]

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For repairs of barracks, Marine Corps: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pennsylvania; Annapolis, Md.; headquarters and navy-yard, District of Columbia; Norfolk, Va.; Port Royal, S. C.; Pensacola, Fla.; Dry Tortugas, Florida; New Orleans, La.; Mare Island and San Francisco, Cal.; Bremerton, Wash., and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and the other public buildings, \$80,000.

For rent of building used for manufacture of clothing, storing of supplies, and office of assistant quartermaster, Philadelphia, Pa., \$8,000.

Mr. GAINES of Tennessee. I offer an amendment, to come in as a new paragraph.

The Clerk read the amendment of Mr. GAINES of Tennessee, as follows:

On page 64, after line 10, insert the following:

"That nothing in this act shall be construed into authorizing the employment of any architect or other person not already regularly in the employ of the Government of the United States in planning, supervising, or erecting the building of the Naval Academy or other improvements there herein

authorized, at Annapolis, Md.; nor shall plans, specifications, or information from outside parties be purchased for such purposes."

Mr. FOSS. Point of order.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. GAINES of Tennessee. Is that point of order in time?

The CHAIRMAN. It is.

Mr. GAINES of Tennessee. I hope the gentleman will reserve it.

Several MEMBERS. Oh, no.

Mr. MUDD. I will reserve the point of order for a moment. How much time does the gentleman from Tennessee want?

Mr. GAINES of Tennessee. I hope I may have ten minutes.

Mr. Chairman, on page 21 of this bill—

Mr. MAHON. I renew the point of order and insist on a ruling.

Mr. GAINES of Tennessee. I make the point of order that I had taken the floor and addressed the Chair, raising the point of order, and was proceeding to debate the question when the gentleman—

The CHAIRMAN. The gentleman from Pennsylvania has the right to raise the point of order.

Mr. GAINES of Tennessee. I had taken the floor and was proceeding to discuss the amendment. I submit that the gentleman from Pennsylvania [Mr. MAHON] comes too late in insisting on the point of order, because I had taken the floor.

The CHAIRMAN. The Chair had not recognized the gentleman to debate the amendment. The Chair will hear the gentleman from Maryland [Mr. MUDD] on the point of order.

Mr. GAINES of Tennessee. What is the point of order?

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MUDD. I will state the point of order, but first I should like to have the amendment read again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again reported the amendment.

Mr. MUDD. Why, Mr. Chairman, it is clearly new legislation. It is not germane to the paragraph and is not germane to anything that we have adopted in this bill.

Mr. LOUDENSLAGER. And it changes existing law.

Mr. MUDD. And it entirely changes existing law. The Secretary of the Navy under the act passed in the Fifty-sixth Congress, if I recollect aright, was authorized to adopt complete plans. Those plans having been made in pursuance of law, and having thus been adopted, have the force of law. The gentlemen of the committee will recollect that Secretary Moody in asking for this legislation stated that he could not go a step further without the authority of Congress to change these plans, because the plans, having been already adopted in pursuance of law giving him authority to so adopt complete plans, had in themselves the effect and force of law. I do not know that there is any very strong special objection to the amendment, except that it will abridge the authority of the Secretary, which we have already given. It is clearly new legislation and is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the last part of his amendment. The Chair is of opinion that the first part of the amendment is not subject to a point of order, but the last clause, which provides "nor shall plans, specifications, or information from outside parties be purchased for such purposes," the Chair is inclined to think is subject to the point of order.

Mr. GAINES of Tennessee. Then I will ask unanimous consent to withdraw that part of the proposed amendment, and proceed.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to omit from his amendment the last clause. Is there objection?

There was no objection.

Mr. MAHON rose.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. MAHON. No.

Mr. MUDD. I would like to know what is left of the amendment?

Mr. GAINES of Tennessee. Oh, there is a great lot left, my good fellow.

The CHAIRMAN (Mr. GILLET of Massachusetts). The Chair is of opinion that inasmuch as this amendment provides that nothing in this act shall be construed into authorizing the appointment of any architect, etc., it does not change existing law, because it leaves existing law precisely as it is. It simply provides that nothing in this act shall be so construed, therefore nothing in this act would give such authority. But this act is not yet existing law, and therefore, in the opinion of the Chair, this does not change existing law.

Mr. MUDD. I merely wish to add that it amounts to but little,

if it leaves the law as it stands to-day. If I recollect aright, it has frequently been decided that an act, a piece of legislation, undertaking to construe a law already upon the statute books, is a change of law, and new legislation.

The CHAIRMAN. This simply provides that nothing "in this act shall be construed," etc., and this act is not yet existing law.

Mr. MUDD. If the view of the Chair is correct it may amount to nothing. It is tautological, perhaps. Nevertheless, it is giving a construction to law which may or may not be the construction which ought to be put upon it. Therefore to that extent it is new law.

Mr. CANNON. If the Chairman will allow me, the amendment as modified clearly would prevent the Secretary of the Navy from utilizing other than an officer in the employ of the Government in procuring plans for the newly authorized building, for which \$400,000 was appropriated, to be erected at Annapolis.

Whether it would affect the expenditure for buildings heretofore authorized or as to those that would be authorized by extending the limit to \$10,000,000, I do not know, but it is quite competent for Congress to provide that any money which it appropriates, where it authorizes the construction of a building as it has the technical museum or engineering school building down there, to enact the proposed amendment. So that it is—

Mr. OLMSTED. It is simply a limitation on this appropriation.

Mr. CANNON. It is a limitation on the appropriation proposed as to the extension of \$2,000,000, the buildings at the Academy, and certainly, if I understand it, would apply to the new building for the engineering school.

Mr. MUDD. Oh, no.

Mr. CANNON. I think it would, because that is authorized, and I am inclined to think it ought to.

Mr. LOUDENSLAGER. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. Yes.

Mr. LOUDENSLAGER. Did not the first authorization of construction of buildings at Annapolis carry with it an authority in the Secretary of the Navy to make such contracts as, in his judgment, were wise and expedient for the Government; and under that authorization did he not enter into a contract to pay to the architect a certain percentage of what the buildings there would cost?

Mr. CANNON. Perhaps so, on a limitation of \$8,000,000; but as to whether it would apply on a limitation of \$10,000,000 I am not discussing. I say that in this bill there is an entirely new authorization of a building, involving an expenditure of \$400,000. That is legislation. Now, from the standpoint of other legislation, the amendment would apply to that.

Mr. LOUDENSLAGER. But under the Chairman's ruling it applies to buildings at the Academy.

Mr. CANNON. I am expressing no opinion upon that.

Mr. LOUDENSLAGER. It would be modified, and perhaps not subject to the point of order.

The CHAIRMAN. The Chair is of the opinion that if existing law already authorizes the employment of such an architect, this amendment would not change existing law. And if existing law does not so authorize it, then this amendment, of course, accomplishes nothing. Therefore it seems to the Chair that this amendment is in order, and not subject to the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, after having carefully read this bill, and in view of the \$2,000,000 item it carries for the Naval Academy, I find on page 31 a basis for this amendment, and I think the House ought, without any hesitation, to concur in its adoption. We have already approved an item of this bill, page 31, as follows:

Plans and specifications for public works: For the preparation of plans and specifications for public works, including such expert aids, draftsmen, writers, and copyists as the Secretary of the Navy may deem necessary, \$30,000.

Thirty thousand dollars for architects in one Department—the Navy. Here is \$30,000 to be spent by the Navy Department in architectural work for the Government to avoid paying 5 and 10 cents in the cost of our public improvements to architects in New York, Chicago, Cincinnati, and other cities. Why this official corps of official architects at a great expense and outside architects at a much greater expense?

Now, gentlemen, I want to show you what the Secretary of the Navy and the Secretary of War and all of our Department officers will have to run up against and contend with unless we undertake, as this amendment provides, to protect them from being imposed on by outside parties.

Yesterday in my mail I received a letter from a New York gentleman, whom I met almost accidentally and surely by a mere incident at the hotel here a few nights ago. In that letter he incloses the official schedule of minimum charges of the American Institute of Architects of recent date. It in part reads thus: "The schedule was amended at the Pittsburgh convention,

November 15, 1899, and further amended at the Buffalo convention, November 4, 1901."

This schedule is headed "American Institute of Architects. Schedule of minimum charges and professional practice of architects, as usual and proper." It is signed, in print, by "Glenn Brown, Secretary American Institute of Architects, the Octagon, Washington, D. C." The schedule thus begins:

For full professional services (including supervision) 5 per cent upon the cost of the work.

A less rate is denounced as "unprofessional," for we find in this schedule this:

The attempt to secure work by offering professional services at a less rate of compensation than another architect is unprofessional conduct.

Now, then, Mr. Flagg or any other outsider who is employed to do this work and is a member of this association, will be bound by this rule or be blacklisted in effect. This rule is, I dare say, well founded. I do not debate that; not at all; but I wish to show you what Secretary Moody must face if he employs an outside architect, a member of this great association.

This bill carries \$2,000,000 as an additional fund to the \$8,000,000 already appropriated to erect these buildings at Annapolis.

Now, think of 5 per cent on \$10,000,000 for plans, etc., paid to an outsider when we have architects who can do this work and pay them good salaries.

The gentleman from Pennsylvania [Mr. BUTLER] yesterday, in response to my inquiry, said that he was informed that an architect had been employed to do this work who lived in New York, a Mr. Flagg. Now, here are the rules by which Mr. Flagg is to be guided, I dare say, as to his fees, because the gentleman from Pennsylvania says he is a man of repute, an architect of ability. Of course, I assume he is a member of this National Association of Architects, the headquarters of which, it seems, are in Washington City. Now, for every change, for every alteration, for mere consultation with him, for calling him here or sending him hence, or doing anything on earth with him after he is employed, you have to pay extra.

I will insert this schedule in the RECORD to show the various "extras" for which a member of this association charges:

AMERICAN INSTITUTE OF ARCHITECTS—SCHEDULE OF MINIMUM CHARGES AND PROFESSIONAL PRACTICE OF ARCHITECTS, AS USUAL AND PROPER.

For full professional services (including supervision) 5 per cent upon the cost of the work.

For partial service, or in case of the abandonment or suspension of the work, the charge for partial service is as follows:

Preliminary studies, consisting of drawings such as ground plan, one upper-floor plan and elevation or perspective view of exterior, special fee according to the magnitude of the work. For full set of preliminary drawings, including the above, and such additional elevations, plans, and sections as are necessary to illustrate the general scheme without working drawings, and including one revision to correct the same, 1 per cent; preliminary studies, general working drawings and specifications, 2½ per cent; preliminary studies, general working drawings, specifications, and details, 3½ per cent.

For works that cost less than \$10,000, or for monumental and decorative work and designs for furniture, a special rate in excess of the above.

For alterations and additions, an additional charge to be made, and also an additional charge to be made for surveys and measurements incident thereto.

An additional charge to be made for alterations and additions in contracts and plans, which will be valued in proportion to the additional time and services employed.

Necessary traveling expenses to be paid by the client.

Time spent by the architect in visiting for professional consultation and in the accompanying travel, whether by day or night, will be charged for, whether or not any commission, either for office work or supervising work, is given.

The architect's payments are successively due as his work is completed, in the order of the above classifications.

Until an actual estimate is received, the charges are based on the proposed cost of the works and the payments are received as installments of the entire fee, which is based upon the actual cost.

The architect bases his professional charge upon the entire cost to the owner of the building when completed, including all the fixtures necessary to render it fit for occupation, and is entitled to extra compensation for furniture or other articles designed or purchased by the architect.

If any material or work used in the construction of the building be already upon the ground or come into the possession of the owner without expense to him, the value of said material or work is to be added to the sum actually expended upon the building before the architect's commission is computed.

SUPERVISION OF WORKS.

The supervision or superintendence of an architect (as distinguished from the continuous personal superintendence which may be secured by the employment of a clerk of the works) means such inspection by the architect, or his deputy, of a building or other work in process of erection, completion, or alteration as he finds necessary to ascertain whether it is being executed in conformity with his designs and specifications or directions, and to enable him to decide when the successive installments or payments provided for in the contract or agreement are due or payable. He is to determine in constructive emergencies, to order necessary changes, and to define the true intent and meaning of the drawings and specifications, and he has authority to stop the progress of the work and order its removal when not in accordance with them.

CLERK OF THE WORKS.

On buildings where it is deemed necessary to employ a clerk of the works, the remuneration of said clerk is to be paid by the owner or owners, in addition to any commission or fees due the architect. The selection or dismissal of the clerk of the works is to be subject to the approval of the architect.

EXTRA SERVICES.

Consultation fees for professional advice are to be paid in proportion to the importance of the questions involved, at the discretion of the architect.

None of the charges above enumerated cover professional or legal services connected with negotiations for site, disputed party walls, right of light, measurement of work, or services incidental to arrangements consequent upon the failure of contractors during the performance of the work. When such services become necessary, they shall be charged for according to the time and trouble involved.

DRAWINGS AND SPECIFICATIONS.

Drawings and specifications, as instruments of service, are the property of the architect.

EXPERT SERVICES.

Where heating, ventilating, mechanical, electrical, and sanitary problems in a building are of such a complicated nature as to require the assistance of an engineer, the owner is to pay for such assistance as the architect may require.

Chemical and mechanical tests, when required, are to be paid for by the owner.

SOLICITING PATRONAGE.

The attempt to secure work by offering professional services at a less rate of compensation than another architect is unprofessional conduct.

As amended at the Pittsburg convention, November 15, 1899.

As amended at the Buffalo convention, November 4, 1901.

GLENN BROWN,

Secretary A. I. A., the Octagon, Washington, D. C.

I dare say that if the Secretary of the Navy or any other officer goes out upon the market to employ an outside architect, as is done in all these huge undertakings, he will run up against these iron-bound, armor-plated rules and regulations which start out with 5 per cent upon the face value of the cost of the buildings. In this instance, if employed, this schedule will be a basis of \$10,000,000. Five per cent on that, or \$500,000, will be the architect's first fee, and maybe more for "extras."

We have also architects in the Treasury building. What do they do? They make all the plans and specifications for every Federal building that is erected throughout this great Republic in all our States and Territories. That is done now, by these splendid professional architects of the Treasury Department, at an annual fixed salary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, these men make the plans for the building of our post-offices. They made those for the magnificent building in my own city, twenty-five or thirty years ago, that has now soon to be changed and enlarged, plans for which are in the Treasury building now or will be soon.

Why should we leave these splendid architects in the Navy Department, whom we pay \$30,000 a year, and those in the Treasury Department, whom we pay well, to go out to New York or elsewhere and burden this Government with a fee of \$500,000 or any other fee for doing this work at Annapolis? There is no reason for this; hence I insist upon my amendment.

I regret exceedingly that the Chief Executive of this country, for the purposes of what I am now about to say briefly, is a Republican. If a Democrat, I could not for a moment be accused of being partisan in this matter. Who is Mr. McKim, the architect who has done the work in and about the White House? A New York architect. He has gotten 5 or 10 per cent for spending, in and about the White House, in four months, \$680,000 of the people's money. You know what he has done and how badly at least much of it has been done. Tell me that any man can put up anything on God's earth for a building who is able to properly spend about \$680,000 from about the 10th of July to the 20th of November! And what have we? Instead of having granite at the east end of the White House, where the tunnel or walk way or entrance, or whatever you may call it, is, we have a plank post there instead of granite. I am thus reliably informed. You all know about the other improvements.

I am not now going into that. I dislike to invade, as it were, anything in the White House, but the fact stares us in the face that these improvements were all done by an outside man, from New York—Mr. McKim, of New York—and the President's new office cost about \$66,000. Judging from the way that this work has been done, and its cost and his quality, what can we expect when we employ men from the outside, architects who may be mere theorists? I am informed that Mr. McKim had never before engaged in this particular kind of work, but is an architect who had made his reputation as a builder of centennials and expositions. Sure enough, here is an exposition post at the east side of our White House, which we enter when we visit the President. Instead of having granite, in keeping with the other posts, we have a centennial post, of the kind exactly as they had at the city of Nashville.

Mr. LESTER. To hitch your horse to.

Mr. GAINES of Tennessee. Exactly. Now, we have our architects here; we are appropriating \$30,000 a year to pay these men. They have done and will do their duty, and if they do not the Secretary of the Navy will immediately drop them from the rolls.

They are in the civil service. Now, why go outside and leave the Secretary at liberty to pay \$500,000, or have to pay a sum less than that, to get a man for this purpose, I do not know. Mr. Flagg may be a man having a great reputation, but we know the men at the Treasury building and the Navy Department are men of reputation and ability and the Government year after year has been accepting their recommendations and taking their plans and specifications.

They dare not impose on the Government. They dare not do defective work. They would quickly lose their position. Not so with an outside architect. I have no feeling whatever in this matter. I am doing what I think the public service and welfare demand. I have done my duty. My conscience is easy. I will not have it otherwise. The committee can do as it pleases, but I utterly repudiate such useless expenditures this amendment tends to curb.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MUDD. Mr. Chairman, this amendment may be harmless, as has been suggested to me, or it may not be. It is more likely to be productive of harm. In that portion of the bill which we have already passed we have given the Secretary power to change or modify the plans of the Academy. We have just voted for the additional amount necessary for its reconstruction, and if he did not alter the plans of some of the buildings at least, he could not carry out the purposes of Congress. But we have given him the power to revise or alter or entirely change the plans in pursuance of the extra \$2,000,000 we have voted here. I undertake to say here now that it will be absolutely necessary to largely revise or alter his plans because he will now have to make provision for about 1,000 cadets, whereas he was formerly only required to provide for about 500.

Now, that necessity, everybody will concede, involves a large alteration of the plans, and I fear the amendment, if agreed to, may be construed so as to prevent him from employing in making the alterations the architect whom he has had in his employ for all the other work at the Academy. If I thought for a moment that a regular Government architect could do the work better, or as well, I would have no objection, but I think it is conceded by all those who have investigated the subject that the architect employed in the designing of the plans for the Academy is one of the best in the United States. The language of the amendment is that it shall not authorize the employment of anyone not regularly employed by the Government, and that may exclude this architect.

Mr. RIXEY. Will the gentleman allow me a question?

Mr. MUDD. Certainly.

Mr. RIXEY. Will the gentleman tell us what the architect gets for the plans already prepared, for the \$8,000,000?

Mr. MUDD. I have no positive knowledge, but I understand the Secretary has contracted with him at a compensation of 5 per cent.

Mr. RIXEY. On the \$8,000,000, making \$400,000. Does not the gentleman think there ought to be some limitation so that he should not have any further compensation?

Mr. MUDD. My view is this. If the Secretary has made such a contract with him as binds him for the extra \$2,000,000, we can not alter it. If he has made no contract, it is in the discretion of the Secretary to make what he considers an equitable and fair contract for the work. I shall not assume that Secretary Moody intends to pay the man extra compensation for doing no work, nor any compensation other than provided by contract legally entered into, but in case he modifies the plans, he should pay him what he thinks proper and reasonable, and I shall assume that he will go no further than that. The great objection to this proposition is that it may prevent the Secretary from using this man any further in the work of remodeling the plans made necessary by the increased number of cadets, and that would be a decided loss to this Academy and the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 30, noes 58.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. Those in favor of tellers will rise. [After counting.] Eighteen in the affirmative; not a sufficient number, and tellers are refused.

So the amendment was lost.

The Clerk read as follows:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps: Purchase of ground and erection of building at Philadelphia, to be used for manufacture of clothing and storing of supplies and office of assistant quartermaster (the cost not to exceed \$150,000); \$150,000; construction and completion of commanding officer's and junior officers' quarters, navy-yard, Norfolk, Va., \$42,000; construction and completion of commanding officer's and junior officers' quarters, naval training station, San Francisco, Cal., \$16,000; construction and completion of one power house and the installation of steam heat, marine barracks and officers'

quarters, navy-yard, Mare Island, Cal., \$11,000; in all, public works under Marine Corps, \$219,000.

Mr. GAINES of Tennessee. Mr. Chairman, my impression is that a point of order lies as to this provision for the erection of the building at Philadelphia, that it is new legislation.

Mr. DAYTON. I hope the gentleman will reserve his point of order.

Mr. GAINES of Tennessee. I will reserve the point of order. I don't know whether there is anything else new in the paragraph or not, for we have nothing here to tell about that. I reserve the point of order, Mr. Chairman, against the whole paragraph.

Mr. LOUDENSLAGER. Mr. Chairman, the gentleman's reservation of the point of order comes too late.

The CHAIRMAN. The Chair thinks not. The Chair understood the gentleman to state that he reserved the point of order when he first rose.

Mr. DAYTON. I want to say to the gentleman that we are paying a larger sum for rent for this building now than the interest on the money amounts to every year.

Mr. GAINES of Tennessee. How much are we paying?

Mr. DAYTON. Six thousand dollars a year. It is simply a question of economy for the Government to own this building. In addition to that we will not be able to obtain this location and grounds in the future for the price we can get it now.

Mr. GAINES of Tennessee. Is some site already picked out?

Mr. DAYTON. The building and grounds occupied now under rent.

Mr. GAINES of Tennessee. The proposition is to buy the building that we are now occupying?

Mr. DAYTON. Yes; for which we are paying \$6,000 a year rent. I hope the gentleman will not make the point of order.

Mr. GAINES of Tennessee. And we can buy it for \$150,000?

Mr. DAYTON. Yes.

Mr. GAINES of Tennessee. Well, Mr. Chairman, as this looks like an economic step, and as it is now and has always been my purpose to economize, I withdraw the point of order and submit the following amendment.

The Clerk read as follows:

Add after line 6, page 67, the following: "That no money appropriated in this paragraph shall be used for the purchase of plans, specifications, or information in supervising or erecting said improvement."

Mr. MUDD. I reserve the point of order, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 21, noes 51.

So the amendment was lost.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

H. R. 9632. An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain;

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows," approved March 3, 1901;

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.;

H. R. 17192. An act authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land; and

H. R. 5070. An act for the relief of Hamilton M. Sailors.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 16567) making appropriation [for the support of the Army for the fiscal year ending June 30, 1904, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed

Mr. NELSON, Mr. BURNHAM, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7363. An act to permit the Secretary of State to cause the destruction of invoices.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract three first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,212,000 each; one first-class armored cruiser of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of its class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,659,000; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$50,000; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy: *Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. MUDD. I rise to a point of order on this paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. MUDD. I make a point of order on all of this paragraph after the word "delivery," in line 7, page 68, down to line 8, page 69. I wish to be indulged in saying, Mr. Chairman, that I would like to see all this language retained in the bill, but there are other amendments to be offered which would not be in order otherwise, but which might be made in order by reason of this language being allowed to remain. The gentleman from Washington [Mr. CUSHMAN] now on his feet holds in his hand, I take it, an amendment requiring the building of some of these ships on the Pacific coast—a very commendable thing in him, but a thing which I do not want to see put in the bill.

Mr. TAYLER of Ohio. I make the point that the gentleman is not addressing himself to the question of order.

Mr. MUDD. All right; I will confine myself henceforward to the point of order.

A point of order against such an amendment as I have just referred to, if such an amendment were offered, would be readily sustained, as was done last year, the point being made by myself, as will appear by reference to pages 5641 and 5643 of the RECORD of last session. If the provisions to which I submit the point and against which I have no objection on their merits were, though out of order, permitted to remain, an amendment providing for the building of some of the ships authorized on the Pacific coast might become admissible as being pertinent and germane to what we would thus permit to go in for want of objection.

The point I make against the provision I have specified is that it is new legislation. The act recited here on page 68 of the bill, or some similar act, has been reenacted, I apprehend, in almost every appropriation bill; but the Chair will readily see that the terms of this act and the terms of the acts heretofore reenacted have applied only to the pending appropriation bill—to the ships therein authorized; and when we undertake to say in this bill, relating to ships herein authorized, that a certain act is reenacted that very fact shows that the law is not now in effect; it is dead as to these ships; and therefore a provision recalling it into existence as to these ships must be new legislation.

I am very frank to say that I should be very glad to see the last clause of this paragraph, from line 22 to the end, retained; but if

that were the case it would, I repeat, let in other things that are obnoxious; and I apprehend that if this clause goes out here it can come in somewhere else or at some other time without letting in those other things which are objectionable.

Just a word further, Mr. Chairman. The point I make is, I think, clear. The Chair will observe that last year (I refer to page 5641 and the following pages of the RECORD of last session) almost precisely the same question was raised, and the then presiding officer decided the point well taken and cited various precedents to sustain his decision.

I want to call the attention of the Chair to section 531, page 309, of the Parliamentary Precedents of the House of Representatives of the United States. It is there stated:

It has generally been held that provisions giving a new construction of law—

That is not the case here—

or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

This last clause, beginning, as I stated, on line 22, in the mandatory language found in it in the words "shall build the vessels herein authorized," etc., is in direct conflict with the decisions that forbid this "limiting" of the "discretion" of the Secretary, as set forth in the section of the Parliamentary Precedents from which I have quoted.

Mr. FOSS. Mr. Chairman, I do not regard this question as material one way or the other.

Mr. RIXEY. I wish to ask the gentleman from Maryland [Mr. MUDD] whether his point of order extends to the last proviso of the paragraph?

Mr. MUDD. Yes. Frankly I say I wish it did not, but I include that in the point of order because I wish to keep out something more obnoxious.

Mr. RIXEY. That question was decided during the last session of Congress, and decided, I think, adversely to the gentleman's contention.

Mr. MUDD. No; no point of order was ever made on that.

Mr. RIXEY. Mr. Chairman, if you will look at the first part of this paragraph you will find it provides that "the President is hereby authorized to have constructed by contract" these ships. This proviso limits that provision, and states that these ships may be built, in the discretion of the Secretary of the Navy—it ought to be in the discretion of the President, it seems to me—in the navy-yards. Now, certainly it would be in order, when we are providing for these ships, to provide how they shall be constructed and where. We have a right to say that they shall be constructed by contract; we have a right to say that they shall be constructed in the navy-yards; and we have also the right to say that they shall be constructed by contract or in any of the navy-yards, in the discretion of the Secretary of the Navy. The last proviso of the paragraph is, it seems to me, unquestionably in order.

Mr. FOSS. Mr. Chairman, without discussing particularly the point of order, I would say a few words which perhaps may give information to the Chair. This language has been year after year in the naval appropriation bill. The act referred to, of August 3, 1886, is, I think, the permanent law under which we construct ships, and while I do not think it is material whether it is in this act or not, because being permanent law I think the Secretary would construct the ships under that act, yet we have referred to it year by year. So far as the proviso is concerned, as to whether it is subject to the point of order, to leave it in the discretion of the Secretary to build ships in a navy-yard, that point was decided by the Chair in the debate upon the bill last year. I think the gentleman from New York, Mr. SHERMAN, sustained the point of order on a provision substantially in this form, but an appeal was taken from that decision and it was overruled.

Mr. CANNON and Mr. ROBERTS rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. ROBERTS. I will yield to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I do not now recollect the conditions under which it was held in order that we could provide for the building of ships by legislation upon a general appropriation bill. It is exceptional. If it touched anything but ships, or a similar matter in principle upon any other bill, it would be subject to a point of order; but away back, probably fifteen years ago—and I think the gentleman from Kentucky, Mr. McCreary, was in the chair at the time—a point of order was made upon a provision like unto this. Mr. McCreary held, in substance, as I recollect, that we had a naval establishment under general law, and that legislation which provided for that establishment and for maintaining it was in order, and that appropriation for ships could be made under the rule without previous legislative authorization. Now, if this be legislation in fact, as it is both in substance and

in letter, "That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract three first-class battle ships," anything that is germane to that legislation is in order. It seems to me that the provision upon which the gentleman makes the point of order is germane, and therefore I do not see why it is not in order—just as much in order as are the lines upon which the point of order is not made. If it be in order to build a ship, it is in order to say how or where it should be builded. The greater includes the less.

Mr. ROBERTS. Mr. Chairman, it seems to me there is some misunderstanding as to the scope and effect of the point of order made by the gentlemen from Maryland [Mr. MUDD]. He includes in his point of order all of the paragraph after line 7 on page 68. There are two separate and distinct propositions embraced in that point of order. The first proposition relates to the material for these war ships, their engines, boilers, and machinery, and it provides that the material shall be of American make as far as possible. He takes exception to the fact that the act of August 3, 1886, is referred to and herein specifically reenacted. I submit, Mr. Chairman, that the act of August 3, 1886, is the law of the United States to-day with regard to the building of these war ships, and that law provides where the material shall come from, to wit, that preference shall be given to material of American production.

Now, the fact that that existing law is referred to in this act and specifically reenacted, I submit, Mr. Chairman, is not new legislation. On the second point, beginning at line 22 on page 68, giving the Secretary of the Navy a discretion to build these ships in a Government yard, if he deems it proper to do so, I have this to say: Last year when a motion was made to build certain of the ships authorized in last year's bill in Government yards, the point of order was raised that that was new legislation. The gentleman from New York, Mr. SHERMAN, acting Chairman of the committee at that time, ruled that the point of order was well taken, but, on appeal from his ruling, he was overruled, and it was the sense of the committee that it was not new legislation; that his decision was not good. I submit that the Chairman might well, upon this occasion, be guided by the action of the committee on this very question in the last Congress, and I ask that the ruling of the Chair be divided on this question, because there are two separate and distinct propositions involved.

Mr. MUDD. Mr. Chairman, I think that is a good idea. I would suggest that the ruling of the Chair be divided as to the two portions of the paragraph, one beginning at line 7 and ending at line 21 and one beginning at that place and continuing to the end of the paragraph.

Mr. FITZGERALD. Mr. Chairman, this paragraph provides for an increase of the Navy by adding certain vessels to it. If the paragraph merely gave to the President the power to have these vessels constructed, it would give him unlimited power, and he could have them constructed wherever he wished, either in contract or in navy-yards. The paragraph first limits the President's power by directing that the vessels shall be constructed by contract. It further limits the power of the President by inserting the provisions of a certain act referred to in terms. That is not the permanent law. It is not law at present. The act of August 3, 1886, was a special act of Congress, providing specifically for the construction of certain vessels named in that act. It placed limitations upon the power of the President in having them constructed.

Since that act was passed, in 1886, whenever in a naval appropriation bill new vessels have been authorized for the Navy, the provisions of that act have been reenacted, so far as they would apply to the vessels authorized in those different bills, by referring to or renewing or reenacting the provisions of the law.

This first paragraph limits the power of the President to the construction of these vessels by contract. That is a limitation upon the general power here conferred. Next it limits the power to construct by contract by requiring him to procure the materials in a certain way and have them meet certain requirements set forth in this act of 1886, which is reenacted by this provision. Then it goes further and says that if certain other conditions arise the vessels shall not be constructed by contract, but shall be constructed in the Government yards of the United States.

These three different things are three separate limitations upon the power of the President in the construction of these vessels. I insist that if Congress has the power to authorize him to have these vessels constructed, and places no limitation whatever upon that power, he could have them constructed however he pleased; and Congress can do that, or it can limit his power in this regard in any way that it sees fit. The restrictions upon the power conferred are clearly in order. No rule is violated by their insertion in the bill. They can not properly be construed as changes of existing law, for there is no general law regulating the construction of new vessels for the Navy. Neither are these provisions

"new legislation" within the meaning of the rule. They are "limitations," and, in my judgment, properly in the bill and clearly in order.

The CHAIRMAN. It is well settled now that the building of ships can be provided for in a general appropriation bill; and whatever we may think theoretically of that proposition, it must be considered as established by the precedents. That being so, an appropriation bill naturally would simply provide that ships should be constructed, and then they would be constructed according to the law already existing, whatever that may be. And, consequently, if in the appropriation bill any provision is made as to how they shall be constructed, if that is in accordance with the law already existing, it is superfluous, but if it is contrary to the existing provisions of law it is of course a change of existing law, and so is obnoxious to the rule.

Now, the Chair is not familiar with this act cited, the act of August 3, 1886, and is not certain whether it provides as stated by the gentleman from New York [Mr. FITZGERALD] or not. But that is the law, it has been said, which regulates the building of these ships. Now, if it is the entire law, and if, provided nothing were said here, the ships would be built in accordance with that law, it is of course entirely superfluous to cite that law in this act. But if without citing it the ships would not be built in accordance with that law, then putting it in this act changes existing law, and is consequently, of course, obnoxious to the point of order.

So, inasmuch as the Chair has been unable to ascertain by examination whether that act is now the general law for building ships, it seems perfectly clear to the Chair that the point of order as to that act ought to be sustained, because either it is entirely superfluous or it changes existing law.

Then as to the later clause, as to which the point of order was made, that clearly limits the discretion of the Secretary of the Navy, inasmuch as it says where, under certain circumstances, he shall build the ships. Where existing law would compel him to build them the Chair is not advised, but this certainly puts a limitation on his discretion, and therefore is legislation, and is obnoxious to the point of order.

The Chair therefore is compelled to sustain the point of order on both grounds made by the gentleman from Maryland.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I appeal from the decision of the Chair, and on that appeal I desire to be heard for a short time.

The CHAIRMAN. The gentleman from North Carolina appeals from the decision of the Chair.

Mr. WILLIAM W. KITCHIN. As I understand the decision of the Chair, the Chair puts his decision of the first point upon a ground conceding that the act of 1886 provides a general law for the building of our ships. The gentleman from New York [Mr. FITZGERALD] states, and that is my recollection of that law, that it did not provide a general law, but that it made provision for the ships mentioned in that particular act; and, as the chairman of the Naval Committee has stated, from that day until this provisions for building ships have included a reference to this act of 1886. But if the act of 1886 is the law now, then this provision does not change existing law. If that is the law, putting it in this bill to apply to these ships would be a mere superfluity, and would not be a change of existing law, and the Chair in that respect would be wrong.

But now let us take it, which I believe true, that it did not provide a general law for the building of ships in the future, but that it merely pertained to the ships authorized in that act. If that be true, then it must be that to-day there is no law for the building of the ships authorized in this bill. There is no law on the statute books to-day providing for the building of these four great ships that we expect to authorize in this bill. There being no law upon it, how can it be that a provision specifying how these ships, not yet authorized themselves, shall be built is a change of existing law, and yet the proposition to build the ships be sustained?

The CHAIRMAN. It is new legislation, the Chair says.

Mr. WILLIAM W. KITCHIN. Then the Chair puts it upon the ground that it is new legislation. Upon that I take issue with the judgment of the Chair—upon this ground: These ships are not yet authorized. There is no legislation touching their construction. There can be no ships built without some legislation touching their construction. I appeal to the reason and the judgment of this House to say if it is consistent to hold that a paragraph authorizing the mere construction of battle ships is not obnoxious, but that one is obnoxious to the rule if it contains provisions regulating their construction. This entire section, the very words in this paragraph that provide for building the ships is new legislation. You can not consistently, in my judgment, hold that part of this paragraph regulating their construction is new legislation without holding the entire paragraph to be new legislation.

So, Mr. Chairman, this is a parallel question with the one

decided, as I recollect it, two or three years ago. As has already been stated, a similar question came up last year and the House sustained the position I am now contending for in appealing from the decision of the Chair, there being no law authorizing these ships or touching their construction. This paragraph authorizes the construction of the ships, and says how they shall be constructed. Now, is it right, is it according to the rules and customs of this House to separate that section, that paragraph, and hold a part of it contrary to the rules because it is new legislation, when the entire paragraph touching the authorization of the ships itself is new legislation?

For these reasons, the matter pertaining to the construction of the ships to be authorized comes to the point mentioned by the gentleman from Illinois [Mr. CANNON] a few moments ago, when he took the position, as I understood, that the real question was whether it was germane to the main proposition or not, the main proposition being new legislation for the authorization of these ships. These provisions touching the construction, and the purchase of material, and containing other limitations upon the power of the Secretary, pertain directly and inseparably to the ships. They are germane to the main proposition and are limitations on it; and I do not understand how the Chair can hold that they are obnoxious to any rules of the House without the whole section going out.

Mr. ROBERTS. Pending the appeal of the gentleman from North Carolina, I ask unanimous consent to offer as a germane amendment so much of the bill as appears on page 68, after the word "delivery," in line 7, down to and including the word "Navy," in line 21. And before that request is put, Mr. Chairman, I would like to call the attention of the committee to the fact that if this goes out—

Mr. WILLIAM W. KITCHIN. I reserve the balance of my time.

Mr. ROBERTS. If this goes out on a point of order, if unanimous consent is refused to this motion, then the committee is putting itself on record as opening up the building and construction of battle ships to foreign material. The main point involved in this section of the bill is confining the material and machinery for the American Navy to American production and American workmanship. I therefore trust there will be no objection to unanimous consent being given.

Mr. MUDD. I want to make an inquiry of the gentleman from North Carolina. Do I understand the gentleman appeals from the decision as to the former or latter part?

Mr. WILLIAM W. KITCHIN. My appeal is to all. I reserve the balance of my time.

Mr. MUDD. I have no objection to either part being brought in by unanimous consent, with the understanding it does not let in other matters that may be germane to it and for that reason made admissible.

Mr. UNDERWOOD. Mr. Chairman, I have a few words I desire to say in reference to the appeal from the decision of the Chair. I think, with all due respect to the Chair, that the Chair should be overruled in this ruling. If not, then the House is put in the position, under this ruling, of losing its control over the making of appropriations. Now, it has been the uniform practice of this House and the uniform decision of the Chair for many years that we can put a limitation on the appropriation of any money that is enacted by Congress, but in the form of limitation we can not enact new legislation.

Now, the Chair seems to take the view that it is new legislation and not a limitation. That has been decided before and it is very clear. It has been held in the Fifty-seventh Congress by the present Speaker of the House of Representatives that a limitation must apply solely to a present appropriation and may not be made as a permanent provision of law.

Now, what does this apply to, and especially the last portion? There is a distinction between a limitation on an appropriation of money and the enactment of new law. What does this say? The first part provides that any of these battle ships that are built under this appropriation, not a future appropriation, must be made of material made in the United States, and the iron and the machinery brought in here and paid for by the money we appropriate to-day shall not be brought from Europe or foreign countries. Is that a change of law or is it a limitation on the expenditure of this money? Clearly a limitation on the money to be expended by this bill.

What is the second provision? That the Secretary of the Navy may build any of the vessels herein authorized in the navy-yards as designated by him—may build vessels to be designated. In the future? Not at all. It does not apply to any future appropriation, but it says vessels built under this appropriation; that he may designate where they shall be built, just as if you appropriate money to build a new Government building somewhere and you designate where you will erect the building. So, in this instance, you can say as a limitation on the appropriation where this partic-

ular money carried in this bill shall be spent, and that is the primary test.

Mr. WATSON. Is not that new legislation?

Mr. UNDERWOOD. Why, I have just read where the Chairman, who is the present Speaker of the House of Representatives, says that the limitation must apply solely to the present appropriation. In other words, the distinction between whether it is new legislation, legislation for the future, or whether it is a limitation on the money now to be expended under the present appropriation depends on whether that limitation applies to the money appropriated in this bill and this bill alone or whether it shall apply to a future appropriation. Now, clearly, under the language of the bill, the provision applies solely to the money appropriated in this act by this Congress, by us to-day, and therefore I say it is clearly a limitation upon the appropriation and not an enactment of new legislation. It would be a dangerous precedent to this House to approve of the ruling of the Chair, which would thereby let us lose the control of the limitation of the expenditures of the public money by Congress.

Mr. GROSVENOR. Mr. Chairman, nearing, as I am, the end of sixteen years of service in this House, I have never voted to overrule the decision of the Speaker or of the Chairman of the Committee of the Whole, so far as I now remember, and I shall not do it in this case. I wish to point out, however, to the Chairman very briefly my views on the parliamentary question involved here. I do not believe that this portion of the paragraph which has been attacked by the point of order is obnoxious to the rule, and very briefly I will state why.

In the first place, beyond all doubt, if it is, then the paragraph itself is obnoxious from the beginning to the end. What law is there now in existence that authorizes the building of a battle ship? There is such a law, in my judgment, and it is the law authorizing the construction of the Navy Department. It is the power conferred upon Congress to build a navy, to maintain a navy, and to support a navy. If the narrow view, the technical view, is taken of this paragraph, then there is no existing law authorizing the building of a battle ship, and we are putting it into this statute now, so far as these battle ships are concerned, for the first time.

I understood the Chair to say that the existing law, a law that, as has been stated, and which in my judgment is dead and is functus officio, which has served out its purpose, was the law under which the battle ships could be built. That can not be so, for that law provided for the building of certain battle ships which have already passed away from the domain of legislation and have become the subject of contract. So there is no law, but the general proposition which I have stated, which authorizes the building of a battle ship or the building of any other ship.

The statute of a year ago has served its purpose and is at an end. Then the proposition to build a battle ship or three battle ships is just as much a new law and is just as much open and obnoxious to this rule as is any part of the paragraph. Why enact it? says the argument. Why put it into law if it is already in existence? If there is authority to build three battle ships, where does it come from? If there is no such authority, then that is new legislation and is open to this rule.

So, my point is that we must go back of the statute of last year, must go back of the rule existing to-day, and must stand upon the power of Congress to build a navy; to build three battle ships, to build a cruiser, to build whatever new ships we may want; and it is idle to say that this provision in its operation upon each one of these constituent parts of this legislation is not new legislation. New legislation is to authorize a thing not authorized by any existing statute.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. UNDERWOOD. If we go back and stand on the proposition that it is legislation to build a new ship, regardless of any laws that may have been enacted, which, I understand, is the position the gentleman takes—

Mr. GROSVENOR. Yes, sir.

Mr. UNDERWOOD. Then is it not within the power of Congress to limit in an appropriation how such a ship shall be built?

Mr. GROSVENOR. I was coming to that; I may as well take it up at once.

Now, having to my own satisfaction established the power of Congress to build one or more battle ships, pursuant to the general power conferred upon Congress to build and maintain a navy, there then arises the necessary inherent power in making such provision, to limit the appropriation, and in all respects to direct how it shall be executed.

Mr. TATE. Conceding what the gentleman says, that Congress has the power to provide for building three battle ships or cruisers, does not that power necessarily carry along with it the power to prescribe how that shall be done?

Mr. GROSVENOR. I have just said so as clearly as I could.

I say it is necessarily inherent in the power to build a battle ship to say how it shall be built. It would be idle, it would be a most singular condition, to say that we have the power to order the Secretary of the Navy to build one battle ship, or two or three battle ships, and yet are stripped of the power to prescribe the manner in which he shall spend the money.

It seems to me that this is a most unfortunate position for us to be in. I am not sure that the Chairman has not followed the precedents heretofore established. But that brings back to my mind acutely one of the matters I have learned in connection with parliamentary procedure—and it is very near to being a hobby of mine—that it is unfortunate that in the American Congress, with all the splendid ability that assembles here, we should have an incongruous line of rulings upon these vital questions.

The English House of Commons, which I have watched with the greatest interest, gives far more attention to the rulings of the Committee of the Whole than it does to the rulings of the Speaker of the House; for all the great matters of public policy are disposed of there, as here, in the Committee of the Whole. Therefore a Chairman of the Committee of the Whole runs incidentally with the Speaker; and for the seven years of the life of a Parliament there is just as continuous a line of decisions by the Chairman of the Committee of the Whole as there is by the Speaker.

It is unfortunate also that the Chairman does not have time to investigate these questions. They are sprung upon him suddenly, and it is therefore most unfortunate that we can not have more uniformity in the rulings.

Mr. FOSS. Will the gentleman allow me to ask him this question: Under this general power, as I take it, of Congress to build or construct a navy, does not the gentleman think it would be in order to establish a navy-yard or a training station or anything which goes to the maintenance and furtherance of the naval establishment?

Mr. GROSVENOR. I think it would be in order to establish a navy-yard.

Mr. FOSS. Or a training station on the Great Lakes? [Laughter.]

Mr. GROSVENOR. Oh, well, the gentleman is always trifling—always boyish—sometimes inadequate for the condition in which he finds himself. That is the trouble with the gentleman. He goes back to a question that has been already decided, that he seemed to think was not decided rightly; and now he undertakes to befog this question. This is a much larger question than whether we shall have a training station at Waukegan, or not—far greater—

Mr. FOSS. Or at Put in Bay, Ohio?

Mr. GROSVENOR. Or at Put in Bay, either. All such questions sink into insignificance when compared with the question whether we shall legislate to build our battle ships, and stop right there, or whether we may go forward and say how the money shall be expended.

Mr. LACEY. I should like to ask the gentleman a question, because we rely very much on his judgment in these matters.

We have here a proposition to build three battle ships. A limitation is proposed that they shall be built of domestic material. Now, is it possible that any parliamentary rule, or any rule of law, forbids us to adopt the limitation as a part of the appropriation, that these ships shall be constructed out of American materials? Can it be contended that we are cut off by any existing law from putting this limitation on the appropriation? I should like to hear the gentleman's answer to that question.

Mr. GROSVENOR. What I have said carries the answer to that question along with it. I have said that the original power is conferred by the general power given to Congress to maintain a navy, that a part of their duty is therefore properly exercised when they build three battle ships, and that there is conferred upon Congress as incidental to that power the power to adopt any limitation, whether as to material or location, or anything of that kind.

Is it any more new legislation to say that these battle ships shall be built here and there or of this and that material than it is to say how many tons displacement they shall have? We are here proposing to build some battle ships the like of which we never built before.

Mr. LACEY. Then, if I understand my friend, he thinks that it was right to put this limitation on, that they shall be built of domestic manufacture.

Mr. GROSVENOR. Yes.

Mr. LACEY. And, therefore, in sustaining the point of order to that portion the Chair should not have so ruled.

Mr. GROSVENOR. I have already stated to the Chair with great deference my opinion of his ruling.

The CHAIRMAN. If the gentleman from Iowa will permit, the Chair will state that he agrees with the gentleman, that that is in order. He did not intend to rule that that was out of order.

Mr. LACEY. But that has gone out.

The CHAIRMAN. Not upon that ground.

Mr. LACEY. It makes no difference about the ground; it has gone out.

Mr. GROSVENOR. The Chair is not concluded by that which is covered in an obnoxious paragraph because some portions of it are competent, so that upon an amendment proposed later the Chair might rule differently upon that one particular question. My argument is, and I think I have made myself understood, that the power conferred upon Congress to build battle ships carries with it all the necessary incidents of every description.

Mr. ROBERTS. Material, place, and time.

Mr. GROSVENOR. Everything.

Mr. PAYNE. Of course, Mr. Chairman, the decision of the Chair is not that the whole paragraph and every part of it is obnoxious and amenable to the point of order, as the gentleman from Ohio [Mr. GROSVENOR] has stated.

Mr. UNDERWOOD. That is what the Chair decided.

Mr. ROBERTS. That is exactly what he decided.

Mr. PAYNE. There will be no difficulty about it, because when the paragraph goes out, the whole of it, on the point of order, it is competent for any member of the committee to offer as an amendment any portion of this paragraph which is not obnoxious. On the decision the matter all goes out, but immediately after the decision it is competent for any gentleman to offer any portion of that as an amendment to the bill, and if he offers that portion which is not obnoxious the committee can vote upon it.

Mr. GROSVENOR. Let me ask the gentleman a question: Is it not a rule of parliamentary procedure that if a part of a paragraph against which a point of order is made is illegal and obnoxious that it necessarily carries all parts of it?

Mr. PAYNE. Certainly. The Chair can not distinguish and divide the question. Now, Mr. Chairman, as the gentleman from Ohio has well said, the provision to build three battle ships is undoubtedly new law and a change of law. There is no question about that. It comes in under the exception to the rule that it is in continuance of a public work. Now, if we may provide for the building of a ship, we may prescribe the kind of ship that shall be built and every detail of every kind. I notice that the first portion of this paragraph, in making these provisions subject to the provisions of the act of August 3, 1886, limits it as to—

material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery.

It seems to me, Mr. Chairman, that is simply descriptive of the kind of vessel that is authorized. We are authorized under the exception to build vessels, to legislate on an appropriation bill, if you please, to build vessels, because it is in continuance of a public work. We are authorized to say what kind of vessels we shall build, the description of the vessel, that they shall be built under the direction of the Secretary of the Navy, and that the material shall be of domestic manufacture. We have a right to say, when we are describing a vessel and making this addition to a public work, the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with the specifications approved by the Secretary of the Navy.

Mr. VANDIVER. Will the gentleman yield to a question?

Mr. PAYNE. I yield to the gentleman.

Mr. VANDIVER. Will the gentleman please point out the distinction between that part of the paragraph which he considered obnoxious to the rule and that part which is not?

Mr. PAYNE. I do not see any portion of the paragraph that is obnoxious to the rule, unless it is the concluding portion, which I have not yet reached, and that is this: "That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate." Well, that perhaps is not obnoxious, but let me read the other portion:

And shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Now, there is new law, not necessarily belonging to the description, to the design, to the material of those vessels, but law that authorizes the Secretary of the Navy to make certain investigations and to come to the conclusion that there is a combination between shipyards. I think that may be subject to the point of order. I do not see any of the rest of the paragraph that is, and so I shall vote to sustain the ruling of the Chair; but if these other proposals up to this last proviso are offered as a separate amendment, I shall not only vote for them, but should vote to overrule the Chair, should he decide that they are obnoxious to the rule.

Mr. LACEY. I should like to ask my friend if he does not think, with the legislation we have now completed against combinations and trusts, that this provision is in existing law? [Laughter.]

Mr. PAYNE. Mr. Chairman, there has been so much legislation upon trusts, and so many different bills before the House, that without carefully reading what has become law and the provisions of it, I would not be able to answer the question of the gentleman from Iowa.

Mr. LACEY. Had we not better give the law the benefit of the doubt, then?

Mr. PAYNE. But I want to say to the gentleman that I am in full sympathy with this paragraph in the bill.

Mr. ROBERTS. Mr. Chairman, I think there is no doubt as to the attitude of the membership of this committee upon the first proposition embraced in the point of order of the gentleman from Maryland, relating to the material of the ships about to be constructed. I therefore renew my request for unanimous consent to offer so much of the bill as a germane amendment, hoping thereby to obviate an appeal from the ruling of the Chair upon that part of the point of order made by the gentleman from Maryland.

The CHAIRMAN. The Chair does not understand what the gentleman wishes.

Mr. ROBERTS. I asked unanimous consent to offer as a germane amendment the language appearing on page 68 of the bill, after the word "delivery," on line 7, down to and including the word "Navy," in line 21. Those are the provisions which require these new ships to be of American material and American manufacture.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to offer as a germane amendment the words which the House has heard. Is there objection?

Mr. FITZGERALD. Mr. Chairman, will that interfere with the raising of a further point of order? Would that be such business as would intervene to prevent it?

The CHAIRMAN. The point of order would still be pending.

Mr. FITZGERALD. There is another point of order which I desire to raise.

Mr. ROBERTS. Reserve it, pending this.

The CHAIRMAN. The gentleman has a right to consider that reserved.

Mr. MAYNARD. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman objects.

Mr. WILLIAM W. KITCHIN. I yield to the gentleman from Ohio [Mr. TAYLER] such time as he desires.

Mr. TAYLER of Ohio. Mr. Chairman, I only want to say that the act of August 3, 1896, to which reference has been made, is not a general law, but a law providing for the building of ships at that time, and it is a proper inclusion of its provisions, if it is not obnoxious to the point of order, to provide in this bill that the stipulations of that bill for the method of building these ships and the materials out of which they are built shall be placed here. So that there ought to be no objection to that part of the bill.

Now, I desire simply to call the attention of the committee to the distinction between the ruling that was made by the Chair on the last naval appropriation bill and the ruling that is made here to-day. The amendment was offered to this paragraph of the bill a year ago, after the paragraph had been passed; that is to say, after the time for making points of order had passed. The paragraph itself thus became in order, and then an amendment was offered providing for the building of ships in Government yards. The Chair held that that amendment was not in order, and upon an appeal to the committee the Chair was overruled. But there was a very marked distinction between the paragraph of that bill and the paragraph in this bill. In the bill a year ago it was provided that the Secretary of the Navy should have authority to construct—

Mr. ROBERTS. That was mandatory, and this is permissible.

Mr. TAYLER of Ohio. By contract "except as hereinafter otherwise provided," or words to that effect, indicating that something was left to be done to perfect the provision.

Now, upon that situation of the proposition that was to be amended, I contended that the amendment proposed was germane, because the provision with its exception was already in the bill, however improperly it might have gone in. That exception is not now here. The paragraph respecting the increase of the Navy is subject, of course, to a point of order. There is no provision for some other method of constructing these ships than that therein specified; so that according to the uniform holdings of the Chairman of the committee and of the Speaker it seems to me that the last part of the paragraph is not in order.

The CHAIRMAN. Before submitting the question, the Chair would like to make a brief statement as to the meaning of his ruling, because it seems to the Chair, from the remarks made by the gentleman from North Carolina and the gentleman from Ala-

bama, that there is a misapprehension of the basis of the Chair's opinion. If one part of a paragraph against which a point of order is made is out of order, it is the duty of the Chair to rule out the whole paragraph. So, of course, if one part of this clause against which the gentleman from Maryland raises the point of order is obnoxious to it, all goes out. But that does not prevent, afterwards, the germane portion being put in by way of amendment. And the Chair stated to the gentleman from Iowa, perhaps anticipating more than he ought to have, that in the opinion of the Chair it is not at all out of order to put in this appropriation bill a limitation on the manner in which the vessel shall be built and the materials, etc.—in other words, to describe the object to be appropriated for. But the gentleman from North Carolina and the gentleman from Alabama (the Chair does not intend to be controversial) stated, as the basis of their argument, that as there is no existing law for this appropriation it must be new legislation. Now, in the opinion of the Chair, that clearly and incontrovertibly establishes that this clause is out of order, because Rule XXI, under which this proceeds, provides that—

No appropriation shall be reported in any general appropriation bill or be in order unless in continuation of an appropriation for such public works and objects as are already in progress.

It is upon this line for the past fifteen years that it has always been held that the building of ships can be provided for upon an appropriation bill, because they were in continuation of a public work in progress. It is a continuation of the building up of the Navy; but immediately after in that section the rule goes on to say:

Nor shall any provision changing existing law be in order on any general appropriation bill.

We may continue the public work, building up the Navy, by building new battle ships. But the same section provides that no provision changing existing law shall be in the appropriation bill. In other words, you may provide to build new ships. That is an appropriation and does not change existing law; but in making that appropriation we shall not change existing law. We can describe the ships to be built; we can by limitations provide how the money shall be expended upon them; but we can not in that connection insert anything which amends any other law. To the Chair it seems perfectly clear that the provision in this section, that the Secretary of the Navy shall build the ships at certain navy-yards, is a change of existing law, because it limits the power which existing laws give him. It has been held again and again—the decisions are uniform upon the subject—that any restriction on the power of an executive officer is a change of existing law. This section clearly limits his discretion, and therefore changes existing law. And it seems to the Chair that the distinction which is not recognized by some gentlemen on the floor is the distinction between a limitation on appropriations and a limitation on the discretion of an executive officer. Appropriations can always be limited, and in an appropriation bill; but the discretion of an executive officer can never be limited in an appropriation bill.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, perhaps I have been about as much misunderstood as the Chair thinks he has. The main point that I made was that it did not change existing law, for the reason that there is no existing law for the construction of these battle ships and that the Secretary of the Navy at present has no authority over these ships and has no discretion in regard to their construction. He has no power whatever, and no duty whatever to perform toward these ships until this act becomes law, so that it can not be a change of law or a limitation upon the Secretary's power so far as any power that he now has is concerned, because the authority which is going to be placed in the Secretary of the Navy to construct these ships in the first part of the paragraph is a new power to be given by Congress. I contend when you give him a new power to construct the ships it is not only permissible but the duty of this House to indicate to him how they shall be constructed, and this is a limitation of the power given him in the first instance by this paragraph and does not violate any existing law, and does not limit any present power of the Secretary, but is a mere limitation of the power to be given him by the pending section.

The CHAIRMAN. The Chair will simply state this one sentence—that it has always been held that where there is no law the passage of a law is a change of existing law. They are synonymous terms, and the very first heading of the Digest under that head says:

The enactment of positive law where none exists is a change of existing law within the meaning of the rule.

That is the line of rulings that has always been held.

Mr. ROBERTS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROBERTS. In view of the recent statement of the Chair, I would like to ask if on both of the propositions included in the

section the point of order was raised by the gentleman from Maryland?

The CHAIRMAN. The gentleman from Maryland made the point of order against the section from line 7.

Mr. ROBERTS. There were two distinct propositions contained in the paragraph. Do I understand the Chair to say he would treat them as such?

The CHAIRMAN. The Chair would if the House desires to.

Mr. ROBERTS. I ask a ruling on the proposition—a specific ruling.

Mr. UNDERWOOD. Mr. Chairman, I would not interrupt the House or the Chair with further discussion of this question except for the statement of the Chair to the House as to the point I have made here. The Chair clearly misinterpreted what I intended to say. I did not refer back to the original ruling that made the building of a battle ship in order on an appropriation bill. I merely contended that an appropriation for building a battle ship in each bill is new law unto itself; that if it is sought to put into the law a provision that would be in the future a limitation upon the discretion of a department officer, that then it would be law, but being a new provision in reference to building a new building on water instead of on land, that it merely amounted to a limitation on the authority as to where and when and how he could build it, and therefore it would be a limitation.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and on a division (demanded by Mr. FOSS) there were—ayes 82, noes 78.

Mr. WILLIAM W. KITCHIN. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. WILLIAM W. KITCHIN and Mr. FOSS.

The committee again divided; and the tellers reported that there were—ayes 109, noes 88.

So it was decided that the decision of the Chair should stand as the decision of the committee.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the words "by contract," in line 10, page 67. It is something that needs perhaps but little discussion, considering the language used by the Chair. The Chair stated that any attempt to restrict the discretion of the head of an Executive Department was clearly subject to a point of order. This language requires the President to build the ships authorized by contract, restricting his power to build them as he pleases, and it seems to me is certainly subject to a point of order.

Mr. FOSS. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The Chair is of opinion that it is not too late, as the gentleman reserved the point of order.

Mr. FITZGERALD. I simply call the attention of the Chair to the language used by the Chair himself in deciding the other point of order—that any language that would restrict the head of a department is new legislation.

The CHAIRMAN. The Chair is of opinion that the same point of order lies against this as lay against the other provision, and if the gentleman raises the point of order, the Chair would be obliged to sustain it as to the whole paragraph.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the words "by contract" alone.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBERTS. I desire to offer the following amendment, which I send to the Clerk's desk.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAM W. KITCHIN. Has the Chair ruled out the words "by contract?"

The CHAIRMAN. Yes. The Chair has sustained the point of order.

Mr. FOSS. Mr. Chairman—

The CHAIRMAN. The Chair has already recognized the gentleman from Massachusetts.

Mr. ROBERTS. I will yield to the gentleman from Illinois, the chairman of the committee.

Mr. FOSS. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 68, line 7, after the word "delivery," insert the following: "And in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted

to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. BUTLER of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER of Pennsylvania. I understood the gentleman from New York made a point of order against the two words in line 10, page 67, "by contract," and that the Chair sustained the point of order. I would like to inquire whether or not the ruling of the Chair did not take out the whole paragraph?

The CHAIRMAN. No; it took out the words against which the point of order was made, and the gentleman from New York expressly limited it to the two words.

The amendment of Mr. TAYLER of Ohio was read, as follows:

On page 69, after line 7, insert:

"The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase submarine torpedo boats in the aggregate of, but not exceeding \$500,000: *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a submarine torpedo boat may give reasonable notice and have his, her, or its submarine torpedo boat tested before August 1, 1903, by comparison or competition, or both, with a Government submarine torpedo boat or any private competitor, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare: *And provided further*, That before any submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy. To carry out the purpose aforesaid the sum of \$500,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. TAYLER of Ohio. Mr. Chairman, this amendment meets the approval, I think, of every member of the Committee on Naval Affairs.

Mr. STEELE. As we could not hear a word of the amendment as read at the desk, I should like to hear some explanation of it.

Mr. TAYLER of Ohio. The amendment authorizes the Secretary of the Navy, in his discretion, to contract for or purchase to the extent of \$500,000 such submarine boats as may meet the approval of the Navy Department and come up to the requirements of modern submarine warfare, and may direct that experiments be made on the subject of submarine warfare. This amendment is not in the interest of any particular boat, nor is it intended to exploit any particular designs.

Mr. THAYER. I understood the gentleman to say that this provision was approved by every member of the Committee on Naval Affairs.

Mr. TAYLER of Ohio. I think so.

Mr. THAYER. Why did they not present it originally?

Mr. TAYLER of Ohio. Because it was only to-day that we reached our conclusion.

Mr. THAYER. Rather late. [Laughter.]

The question being taken, the amendment of Mr. TAYLER of Ohio was adopted; there being—ayes 84, noes 47.

Mr. MAHON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "dollars," in line 23, page 67, to and including the word "dollars," in line 4, page 68.

The words proposed to be struck out are as follows:

Two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$50,000.

Mr. DAYTON. That relates to the two steel training ships?

Mr. MAHON. The words which I propose to strike out provide for building three ships at a cost of \$1,160,000, one of them to be a sailing vessel, a wooden ship. To provide at this late day for putting into our Navy a vessel to be operated by sail is simply going back to the old methods of thirty or forty or fifty years ago. I do not understand why we want to train our midshipmen in the running of ships that go altogether by sail. It strikes me we might as well require a man who intends to be a locomotive engineer on one of our great railroads to practice stage driving for three or four months before going upon an engine. I suppose that these vessels are going to be built on the line of Noah's ark, and to be armed with catapults, and sling shots, and bows and arrows, and battering rams. [Laughter.]

Now, why should we spend a million dollars in building three ships for the Navy of our United States in order to train our midshipmen and sailors in the use of sails? There is no vessel in the Navy to-day that uses sails, and there never will be. We never use sails on our cruisers or battle ships. I should like to know what is the object of this provision. I have simply offered my motion in order to get some explanation.

Mr. FOSS. Mr. Chairman, I will say to the gentleman from

Pennsylvania [Mr. MAHON] that the provision which he moves to strike out is in accordance with a recommendation from the Secretary of the Navy; and while there is no particular explanation as to why these ships are recommended, I think I can furnish an explanation in this way: There are certain things in the training of our seamen that can be acquired on a sailing ship as well as on a battle ship. On a sailing ship a man can be trained in gunnery; he can be trained in seamanship; he can acquire the sea habit and the practice of those things which are elementary in the education of a seaman; and then, perhaps, the most important reason is that it is more economical to train these men on sailing ships than on battle ships or cruisers or gunboats.

Mr. WM. ALDEN SMITH. Is it equally safe?

Mr. MAHON. Mr. Chairman, I presume that the explanation given by the chairman of the committee [Mr. FOSS], weak as it is, is the best that can be given. Here we are proposing to spend over a million dollars to build three ships that will be utterly useless to the Navy. We have just passed an appropriation of \$400,000 to erect a school down at Annapolis, or somewhere else, to train midshipmen in the practice of managing the engines on our great ships. Four vessels! And absolutely this committee proposes to send one out built entirely of wood, to put guns on it, and send these cadets out to sea on a wooden ship!

Mr. COOPER of Wisconsin. Suppose a war should break out and one of our cruisers should capture two or three merchantmen of the enemy, how would the sailors get those vessels back to port if they did not know how to handle sails?

Mr. MAHON. Put a cable onto them and haul them into port. But that is not the purpose. We do not want these ships. They are of no use to the Navy. Your midshipmen can get all the muscular exercise on the regular vessels. They ought to be taught how to handle the engines and machinery on the vessels and not sails. The next Congress will come in for more sailing vessels, and in the course of ten or fifteen years we will have the whole fleet of sailing vessels. I tell you where this comes from. There are a few old admirals hanging around the Navy Department—magnificent men—and the old Navy with its sails is still sweet to the memory.

Mr. FOSS. I will correct that impression right here. By referring to the hearings I find this recommendation came from Admiral Bowles, who, by the way, is the youngest admiral in the service.

Mr. MAHON. But the old admirals have persuaded him to do it. [Laughter.] And I want to tell the gentleman further that that admiral, magnificent sailor and officer as he is, has not designed a solitary ship that floats in our Navy to-day, and that shows how young he is. I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

On page 68, at the end of line 21, after the word "navy," insert the following:

"One battle ship, or the armored cruiser herein provided for, shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President, from the bidding for such contracts, that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per centum above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided."

Mr. MUDD. Mr. Chairman, on that I make the point of order.

Mr. CUSHMAN. Will the gentleman reserve the point?

Mr. MUDD. I reserve the point of order.

Mr. CUSHMAN. Mr. Chairman—

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized.

Mr. CUSHMAN. Mr. Chairman, this naval appropriation bill which we are now considering provides for the increase of our Navy by the construction of seven new vessels—three first-class battle ships; one first-class armored cruiser; two steel ships, to be used as training ships, and one wooden brig, to be used for training landsmen and apprentices at naval stations.

The effect of my amendment, if adopted, will be to provide that one of these battle ships or the armored cruiser shall be built upon the Pacific coast, and that shipbuilding concerns upon the Pacific coast in bidding for the contract to construct such vessel shall be given 4 per cent in excess of bidders for the same vessel on the Atlantic coast.

This preferential given to bidders upon the Pacific coast in the construction of naval vessels is not a new or novel proposition. When I present this amendment I am not asking for the insertion in this bill of a new provision. I am simply asking for the retention in the annual naval appropriation bill of a provision that has been in nearly every naval bill for the past fifteen years.

When I say that this or a similar provision has been in nearly

every naval appropriation bill for the past fifteen years, I want to put the facts into the record that prove that statement beyond all peradventure.

I hold in my hand here now the record of every naval bill passed by the Congress of the United States from 1897 down to the provisions of this bill we are now discussing. Let us see what provisions they have all contained on this subject. Prior to 1887 I believe bids for the construction of naval vessels were open to all bidders over the United States upon equal terms. About that time it was adopted as a part of the policy of our Government to give a slight advantage or preferential to bidders on the Pacific coast. Now, then, listen while I read the provisions of the various bills in relation to this matter. For the sake of brevity—for my time is limited—I will quote the exact substance of each bill, but not the language in full:

NAVAL APPROPRIATION BILLS.

Year of 1887. Naval appropriation bill provided: One of such vessels shall be built on or near the Pacific coast. If it shall appear that said vessel can not be constructed at a fair cost on the Pacific coast, the President shall authorize the construction of said vessel elsewhere.

Year of 1890. Naval appropriation bill provides: One of such vessels shall be built on or near the Pacific coast. If it shall appear that said vessel can not be constructed at a fair cost on the Pacific coast, the President shall authorize the construction of said vessel elsewhere.

Year of 1895. Naval appropriation bill provides: That if it shall appear to the satisfaction of the President that either of said torpedo boats or one of said battle ships to be constructed on the Pacific coast can not be constructed at a fair cost, he shall authorize the construction elsewhere.

Year of 1896. Naval appropriation bill provides: That one seagoing battle ship and three torpedo boats shall be built on the Pacific coast, provided that the same can be built at a cost not exceeding 4 per cent in addition to the lowest accepted bid.

Provided, That if it shall appear to the satisfaction of the President that said vessel (or vessels) can not be constructed at a fair cost on the Pacific coast, the President shall authorize said construction elsewhere.

Year of 1897. Only three torpedo boats were authorized to be constructed, contracts to be let to the lowest bidder.

Year of 1898. Naval appropriation bill provided: For the building of 3 battle ships, 4 monitors, 16 torpedo-boat destroyers, 12 torpedo boats, and 1 gunboat; and said bill contained the following provision:

"One battle ship and 1 harbor-defense vessel shall be built on the Pacific coast: Provided, That if it shall appear that said vessels can not be constructed on the Pacific coast at a cost not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Year of 1899. Naval appropriation bill provided: For the building of 3 battle ships, 3 armored cruisers, and 6 protected cruisers. That naval appropriation bill contained the following provision:

"One battle ship and one armored cruiser shall be built on the Pacific coast: Provided, That if it shall appear that said vessels can not be constructed on the Pacific coast at not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Year of 1900. Naval appropriation bill provided: For the building of 2 battle ships, 3 armored cruisers, and 3 protected cruisers. That naval appropriation bill contained the following provision: "Two, and not more than two of said vessels shall be built on the Pacific coast: Provided, That if it shall appear that said vessels can not be constructed on the Pacific coast at not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Year of 1901. Naval appropriation bill: No appropriation whatever was made for the construction of any new naval vessels.

Year of 1902. Naval appropriation bill provided: For the building of 2 battle ships, 2 armored cruisers, and 2 gunboats. That naval appropriation bill contained the following provision: "One battle ship or one armored cruiser shall be built on the Pacific coast: Provided, That if it shall appear that said vessel can not be constructed on the Pacific coast at a cost not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Now, this brings us down to the year of our Lord 1903. What do we find in the naval appropriation bill this year? We who live on the Pacific coast have a right to expect that we shall find the time-honored provision that has been in every naval appropriation bill for nearly twenty years. Is it here? No, it is not here. Where it ought to be in this bill there is simply vacancy.

Mr. Chairman, having shown these facts, the burden is not so much upon me to show why this provision should be in the place where it has always been heretofore as it is on the members of the Naval Committee to show why this provision has been left out of the place where it has heretofore always been. Therefore I would ask the honorable chairman of the Naval Appropriation Committee [Mr. FOSS] why the provision allowing a 4 per cent preferential to Pacific coast bidders was left out of this bill?

Mr. FOSS. I will state to the gentleman that up until last year the Committee on Naval Affairs had always reported the preferential of 4 per cent, but last year, in the report on the bill to the House, we left it out, and the reason given at that time was that the Union Iron Works on the Pacific coast and the shipbuilders there had shown in a recent bidding that they could compete with our Eastern shipbuilders. The Union Iron Works, in the bid for a cruiser, No. 9, *South Dakota*, bid less than our Eastern shipbuilders, the Cramps and the Newport News.

And by reason of the fact that the Pacific coast shipbuilders had shown by actual bidding that they could furnish these vessels to the Government at less cost than the Eastern shipbuilders here, it seemed to the committee that there was no reason for this preferential of 4 per cent. That preferential was put on originally by reason of the fact that it cost more at that time to get the armor and steel from the East, from Pittsburg, than it did the Eastern shipbuilders.

Mr. CUSHMAN. Is not that true now?

Mr. FOSS. That may be true or it may not be true, but on the general proposition, and upon the fact that these Western shipbuilders have shown their ability to compete with the Eastern shipbuilders, I will ask the gentleman whether he believes we ought to retain this preferential?

Mr. CUSHMAN. Unquestionably, I do.

The time of Mr. CUSHMAN having expired, by unanimous consent, at the request of Mr. FOSS, it was extended five minutes.

Mr. CUSHMAN. The statement has been made by the chairman of the Naval Committee [Mr. FOSS] that at a certain time, on a certain ship, a certain Pacific coast bidder bid less than a certain bidder on the Atlantic coast. Now, I state to you, sir, that one swallow does not make a summer, and a single instance like this ought not to make the entire rule. I claim that you have built up on the very small and narrow base of one single instance a great rule for all future conduct. I say that the gentleman's own statement does not furnish any reason for leaving this provision out of this bill.

Mr. DAYTON. Will the gentleman pardon me?

Mr. CUSHMAN. Yes.

Mr. DAYTON. In the bidding this year they bid lower than at least two or three concerns on the Eastern coast for another one of these cruisers.

Mr. CUSHMAN. Is it not a fact that practically all of the material that goes into a battle ship must be transported across the continent, at 75 cents per hundred pounds freight? I maintain that it is absolutely ridiculous—I do not speak in any offensive sense—for any man to claim or contend that you can build a battle ship on the Pacific Coast, after transporting the heavy material by freight, at the excessive freight rates across to that coast, as cheaply as it can be constructed in the East.

A man might as well attempt to tell me that it is not any farther from New York to San Francisco than it is from San Francisco to Chicago. I know better, and so does everyone else. I do not mean to say that the gentleman from West Virginia is not candid, but I do mean to say he is very much mistaken when he attempts to substantiate the claim that a battle ship can be built as cheaply on the Pacific coast as it can on the Atlantic. It is a self-evident proposition. With the aid of arithmetic—addition and subtraction—it demonstrates itself. Practically all of the material that goes into a battle ship that is constructed on the Pacific coast—practically all of that material is produced upon the Atlantic seaboard and must be transported clear across the continent at a high freight rate. Then labor is higher on the Pacific coast than on the Atlantic. Living is higher. Prices of material are higher. Everything is higher; even the class of battle ships we turn out are higher than those on the Atlantic. [Applause.]

Mr. DAYTON. Is the gentleman unmindful of the fact that the Union Iron Works and two or three of the Eastern shipbuilding concerns have substantially combined into one since last year?

Mr. CUSHMAN. I am aware of what the gentleman states; that is, that the Union Iron Works, the San Francisco concern, has entered into a combination with some of the Eastern shipbuilding concerns. But Moran Brothers Shipbuilding Company, of Seattle, Wash., has not entered into that or any other combination. They are an independent concern on the Pacific coast. And they have built up their great shipyard where they are now building a mighty battle ship by reason of the advantage they had in this 4 per cent preferential. And when you take that 4 per cent advantage away from them you remove them from the list of bidders on the one hand and do them a wrong, and you cut your own throat on the other hand by removing from the field the only independent bidder on the Pacific coast, and leave yourself at the mercy of this combination which can hold you up and dictate terms.

The very statement made by the gentleman from West Virginia [Mr. DAYTON], according to the light which I have, furnishes ample reasons why my amendment should prevail. Mark one thing. When you cut out this 4 per cent preferential you have sounded the death knell of naval shipbuilding on the Pacific coast.

I desire to read and to put into the RECORD at this point two letters that I have recently received from Robert Moran, of the Moran Shipbuilding Company, of Seattle, Wash., in reference to this 4 per cent clause now under consideration:

SEATTLE, WASH., January 29, 1903.

HON. FRANCIS W. CUSHMAN, M. C., Washington, D. C.

DEAR SIR: We are informed that there is a movement on foot to pass the next naval appropriation bill cutting out the 4 per cent bonus which has heretofore been allowed to builders of naval vessels on the Pacific coast. If this is so, it certainly must be in the interests of the Atlantic coast builders that it is done, as there is no question in the minds of those that are informed that it is greatly to the interest of the United States Government to encourage the maintenance and operation of shipbuilding plants at various points on the Pacific coast of the United States which have ample capacity for the construction of any naval vessel.

And to illustrate how this has worked to the interest of the United States Government in the past, we will say that our own plant, which we assure you is equal to anything in the United States for the building of any vessel, would never have been built to the extent it has here in Seattle excepting for the encouragement given to us by the 4 per cent bonus on the construction of naval vessels.

You understand that the labor cost of construction on the Pacific coast is considerable higher than it is on the Atlantic, though putting all of those matters to one side, we have to haul practically all of the material used in the construction of a naval vessel across the American continent and pay freight on that transportation.

This is almost wholly in excess of the expense that attends the building of a like vessel on the Atlantic seaboard, and certainly it is worth considerable to the United States to have constructed, maintained, and operated plants with sufficient capacity to construct naval vessels on the Pacific coast and make delivery here instead of New York or Philadelphia; and, as before stated, it is our opinion that it would be a gross injustice to the Pacific coast shipbuilding interests if any naval appropriation bill is passed without continuing the 4 per cent bonus, as has been done in the past, and we trust you will use all of your energies to accomplish this purpose. We have no doubt but what the Representatives from all of the Pacific coast States will be favorable to helping us in this matter.

Thanking you in advance for the favor, we remain,

Respectfully,

MORAN BROS. COMPANY,
By ROBT. MORAN.

SEATTLE, WASH., February 12, 1903.

HON. FRANCIS W. CUSHMAN, M. C.,

Washington, D. C.

DEAR SIR: Replying to yours of the 5th answering ours of the 29th ult. relative to Naval Committee of the House cutting out the 4 per cent bonus for Pacific-coast-built naval vessels, the reasons given that they have found that Pacific-coast bids have been in some instances lower than Atlantic coast, seems to us to be a ridiculous proposition. It is a physical impossibility for the Pacific-coast shipbuilder to build a naval vessel as cheaply as can be done on the Atlantic coast. And as we wrote you on January 29, it is only justice to the Pacific-coast shipbuilding interests that this bonus should be paid; and it certainly is a great benefit to the Government that completely equipped shipyards capable of building the largest naval vessels have been established and are being maintained on this coast, and certainly they are entitled to a fair portion of the Government's patronage.

As you probably know, at the present time all of the shipyards of the United States are depending almost wholly on naval work. There are very few merchant ships being built, and of course the Atlantic-coast builders are doing everything in their power to gobble up the entire Government business.

If you can be of any assistance to Senators TURNER and FOSTER in this matter we will deem it a favor. It is very important that this be corrected in the Senate before the final passage of the bill, otherwise we doubt if another naval vessel will ever be contracted for on this coast. As suggested by you, we have to-day written Senators FOSTER and TURNER again on this subject.

Respectfully,

MORAN BROS. COMPANY,
By ROBERT MORAN.

In the light of my country's history, in the light of what the Pacific coast has heretofore contributed to the American Navy, there should be a disposition in this body to assist the Pacific coast naval shipbuilders and not to shut them out.

We built the *Monterey* on the Pacific coast—the ship that reinforced the American Army when it was landing at Manila. We built the *Olympia* on the Pacific coast—Dewey's flagship, that headed the column of his stately line of battle ships on the day that they entered Manila Bay. [Applause.]

We built the *Oregon*, if you please. The *Oregon*! What mighty memories that name stirs within us. The nation held its breath while that sheathed monster of the deep plowed her way through 10,000 miles of ocean foam to be present on that fateful day at Santiago. And as she bore down on the Spanish fleet she looked like the great gray avenging angel of God Almighty. And when there was heard the boom of her mighty guns the yellow rag of Spain sank from sight forever on the Western Hemisphere, and the sky of Christendom was enriched with the folds of a new banner. [Applause.]

Now, I say that the vessels that have been put out on the Pacific coast amply justify my statement here that the Pacific coast shipbuilders have contributed to the American Navy the best ships we have to-day. Why is it? Because in the Eastern shipyards, where there is a great range of temperature, from the exceeding heat of summer to the exceeding cold of winter, the metal mass is expanded and contracted so that it will not knit together as it will in a climate where the temperature is about the same the year round. That has been absolutely demonstrated in the trials and tests of the vessels that have been built on the Pacific coast.

One other thought should appeal particularly to the Republican side of the Chamber. A good many men contend that we should have a ship subsidy. Here is an opportunity to apply the principle of the ship subsidy in one small instance. We contend on this side of the Chamber that there should be protection to American industries. That is what I am asking for in reference to this industry. The protection that should be applied to any American industry is the protection which it requires in order to enable it to successfully compete.

Now, whenever the question has been raised here on this floor in reference to the protection of the industries of the Eastern half of this country we of the Pacific coast have always stood by you in reference to the protection of the industries affected, on which

we did not secure the same measure of benefit that you did. The question to-day is whether you will stand with us in reference to the protection of an American industry on the Pacific coast. [Loud applause.]

Mr. MUDD. I shall have to insist upon the point of order, as it is getting late.

Mr. JONES of Washington. I would like to have five minutes to answer the chairman of this committee why they cut off this differential.

Mr. MUDD. I shall not object, if the gentleman will finish in five minutes.

Mr. JONES of Washington. I think I will finish in less than that time.

Mr. Chairman, the chairman of this committee has stated that the reason why they have left off this differential is because one of the shipbuilders of the Pacific coast had bid less than the shipbuilders on the Atlantic coast in one of these biddings. But if that was a good reason for leaving it off, then it seems to me that in the last biddings, when we did not get a solitary one of these ships, when the differential in favor of the Atlantic shipbuilders was 8 per cent, that is a reason to put it on instead of taking it off.

On July 25, 1902, the Union Iron Works bid on the construction of a battle ship \$4,150,000. The lowest Eastern bid was \$3,990,000, or \$160,000 difference, or more than the 4 per cent differential that we ask here over the lowest bid by the Atlantic coast builder. In the bids for the armored cruisers on October 28, 1902, the Union Iron Works bid \$4,365,000, and the lowest Atlantic coast bidder was \$4,200,000, a difference of \$165,000, slightly under 4 per cent. But what did the Cramps decide to do? They said "we will build both of these ships at \$4,000,000 each," or more than 8 per cent less. And it seems to me, gentlemen, if you want to build up the shipbuilding industry of the Pacific coast, if you want to sustain the only shipbuilding plant on the Pacific coast that is not to-day in a trust or combination, you should give us that benefit that will encourage that yard that is able to build battle ships. The citizens of Seattle subscribed \$100,000 in its aid. Let us sustain it in its development when it is not in the hands of a trust or combination. If you take away the development, you will crush out the plant and absolutely put the shipbuilding of this country into the hands of a trust and combination. [Applause.]

I ask unanimous consent to print with my remarks a statement of the bids of the last three or four years.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may extend his remarks by inserting a statement of the bids for the last three or four years in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

Synopsis of bids, showing difference in bids for one vessel.

| | |
|---|-------------|
| Battle ships—Advertisement of September 14, 1895: | |
| Union Iron Works..... | \$2,740,000 |
| Lowest bid..... | 2,350,000 |
| | 390,000 |
| About 15 per cent. | |
| Battle ships—Advertisement of June 25, 1896: | |
| Union Iron Works..... | \$2,674,950 |
| Lowest bid..... | 2,595,000 |
| | 79,950 |
| Over 3 per cent. | |
| Battle ships—Advertisement of June 17, 1898: | |
| Union Iron Works..... | \$2,674,000 |
| Lowest bid..... | 2,580,000 |
| | 94,000 |
| About 3½ per cent. | |
| Cruisers—Advertisement of June 9, 1899: | |
| Union Iron Works..... | \$1,041,900 |
| Lowest bid..... | 954,500 |
| | 87,400 |
| Over 8 per cent. Contract was let to \$1,027,000 bidder. Morans' bid, \$1,122,000. | |
| Battle ships—Advertisement of September 1, 1900, sheathed and coppered: | |
| Under act of March 3, 1899— | |
| Moran Brothers..... | \$3,733,600 |
| Lowest bid..... | 3,400,000 |
| | 333,600 |
| Nearly 10 per cent. Union Iron Works did not bid. Next lowest bid was \$3,580,000, which, with the 4 per cent added, was still less than Morans' bid. As arranged, the people of Seattle guaranteed or raised them \$100,000 so they could take the contract. | |
| Battle ships—Advertisement of September 1, 1900, without sheathing and coppering: | |
| Under act of March 3, 1899— | |
| Moran Brothers..... | \$3,588,000 |
| Lowest bid..... | 3,405,000 |
| | 181,000 |

Over 5 per cent.

| | |
|---|-------------|
| Under act of June 7, 1900, without sheathing and coppering: | |
| Moran Brothers..... | \$3,697,000 |
| Lowest bid..... | 3,280,000 |
| | 407,000 |

Over 10 per cent.

| | |
|----------------------|-------------|
| Next lowest bid..... | \$3,430,000 |
| | 267,000 |

About 7 per cent.

| | |
|--|-------------|
| Armored cruisers under advertisement of October 1, 1900. Act of March 3, 1899: | |
| Sheathed and coppered— | |
| Union Iron Works..... | \$3,800,000 |
| Lowest bid..... | 3,885,000 |
| | 5,000 |

In favor of Union Iron Works.

| | |
|----------------------------------|-------------|
| Without sheathing and coppering— | |
| Moran Brothers..... | \$3,963,000 |
| Lowest bid..... | 3,775,000 |
| | 188,000 |

Over 5 per cent.

| | |
|---|-------------|
| Under act of June 7, 1900, not sheathed and coppered: | |
| Union Iron Works..... | \$3,750,000 |
| Next lowest bid..... | 3,775,000 |
| | 25,000 |

In favor of Union Iron Works.

Morans' bid was \$3,963,000, or \$188,000 over lowest Eastern bid, or 5 per cent.

| | |
|--|-------------|
| Protected cruisers under advertisement of December 1, 1900, and March 6, 1901: | |
| Union Iron Works..... | \$2,825,000 |
| Lowest bid..... | 2,740,000 |
| | 85,000 |

Over 3 per cent.

| | |
|---|-------------|
| Battle ship under advertisement of July 25, 1902: | |
| Union Iron Works..... | \$4,150,000 |
| Lowest bid..... | 3,990,000 |
| | 160,000 |

Over 4 per cent.

| | |
|---|-------------|
| Armored cruisers under advertisement of October 28, 1902: | |
| Union Iron Works..... | \$4,365,000 |
| Lowest bid..... | 4,200,000 |
| | 165,000 |

Slightly under 4 per cent. They agreed to build the two at \$4,000,000 each, or more than 8 per cent less.

[Secretary's report, 1896.]

Statement of proposals for the construction of battle ships Nos. 5 and 6, received under the Department's advertisement of September 14, 1896.

| Name and address of bidder. | For one vessel. | For two vessels (each). | For three vessels. |
|--|-----------------|----------------------------|--------------------|
| <i>Class 1 (Department's plans).</i> | | | |
| The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa..... | \$2,820,000 | \$2,750,000 | |
| Union Iron Works, San Francisco, Cal..... | 2,740,000 | 2,690,000 | |
| Newport News Ship Building and Dry Dock Co., Newport News, Va..... | 2,350,000 | 2,250,000 | |
| <i>Class 2 (bidder's plans).</i> | | | |
| The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa..... | 2,500,000 | { 2,450,000 3,850,000 } | \$3,000,000 |
| Union Iron Works, San Francisco, Cal..... | 2,650,000 | 2,640,000 | |

^a Union Iron Works did not bid.

^b Contract awarded.

Statement of proposals for the construction of battle ships Nos. 7, 8, and 9, received under the Department's advertisement of June 25, 1896.

| Name and address of bidder. | For one vessel. | For two vessels (each). |
|--|-----------------|-------------------------|
| <i>Class 1 (Department's plans).</i> | | |
| John H. Dialogue & Son, Camden, N. J..... | \$2,661,000 | |
| Bath Iron Works, Bath, Me..... | 2,680,000 | |
| Newport News Ship Building and Dry Dock Co., Newport News, Va..... | *2,595,000 | |
| Union Iron Works, San Francisco, Cal..... | *2,674,950 | |
| The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa..... | *2,650,000 | \$2,650,000 |
| <i>Class 2 (bidder's plans).</i> | | |
| No bids received. | | |

* Contract awarded.

[Secretary's report, 1898.]

Statement of proposals for the construction of three battle ships of about 11,000 tons displacement each, battle ships Nos. 10, 11, and 12, received under the Department's advertisement dated June 17, 1898.

| Name and address of bidder. | Class 1—Department's plans. | | Class 2—Bidder's plans. | |
|---|-----------------------------|-------------------------|-----------------------------|--------------------------|
| | For one vessel. | For two vessels (each). | For one vessel. | For two vessels (each). |
| John A. Dialogue & Son, Camden, N. J. | \$2,840,000 | ----- | ----- | ----- |
| Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | A2,580,000 | ----- | B\$2,680,000 C*2,850,000 | ----- |
| Wm. Cramp & Sons' Ship and Engine Building Co., Philadelphia, Pa. | A2,650,000 | \$2,625,000 | B2,725,000 C*2,885,000 | \$2,700,000 2,870,000 |
| Union Iron Works, San Francisco, Cal. | A2,674,000 | ----- | B2,725,000 C*2,899,000 | ----- |

* Contract awarded.

†Owing to changes made in contract, price increased to \$2,885,000.

[Secretary's report, 1900.]

Statement of proposals for the construction of six protected cruisers of about 3,200 tons displacement each, cruisers Nos. 14, 15, 16, 17, 18, and 19, received under the Department's advertisement of June 9, 1899.

| Name and address of bidder. | Class 1—Department's plans. | | Class 2—Bidder's plans. | |
|---|-----------------------------|------------------------|--|--|
| | For one vessel. | For two vessels, each. | For one vessel. | For two vessels, each. |
| Moran Brothers Co., Seattle, Wash. | \$1,122,000 | ----- | ----- | ----- |
| William R. Trigg Co., Richmond, Va. | *1,027,000 | ----- | a\$1,073,000 b1,041,000 c1,079,000 | a\$1,024,700 b993,700 c1,039,000 |
| Fore River Engine Co., Braintree, Mass. | *1,005,000 | a\$1,020,000 | e1,065,000 f1,100,000 | e1,020,000 f1,066,800 |
| Burles Dry Dock Co., Port Richmond, S. I., N. Y. | 1,105,000 | ----- | ----- | ----- |
| Neafie & Levy Ship and Engine Building Co., Philadelphia, Pa. | *1,080,000 | †1,050,000 | ----- | ----- |
| Townsend & Downey, New York | 954,500 | 950,000 | †1,059,500 | †1,055,000 |
| Columbian Iron Works and Dry Dock Co., Baltimore, Md. | 1,116,000 | ----- | ----- | ----- |
| Union Iron Works, San Francisco, Cal. | *1,041,900 | ----- | ----- | ----- |
| Bath Iron Works, Bath, Me. | *1,041,650 | ----- | ----- | ----- |
| Lewis Nixon, Elizabethport, N. J. | *1,039,966 | ----- | ----- | ----- |
| R. B. Painton, New York | ----- | ----- | †1,141,000 | ----- |

* Contract awarded.

a Type A, speed 18 knots.

b Type B, 18 knots.

c Type C, 19 knots.

d Department's plans as modified.

e Speed 18 knots.

f Speed 18½ knots.

g Speed 17 knots.

h Speed 17½ knots.

i Speed 16½ to 30 knots.

[Secretary's report, 1901.]

Statement of proposals for the construction of five battle ships, Nos. 13, 14, 15, 16, and 17, received under the Department's advertisement of September 1, 1900.

UNDER ACT OF MARCH 3, 1899.

| Name and address of bidder. | Sheathed and coppered. | | | |
|--|-----------------------------|-------------------------|-----------------------------|-------------------------|
| | One vessel. | | Two vessels. | |
| | Class 1—Department's plans. | Class 2—Bidders' plans. | Class 1—Department's plans. | Class 2—Bidders' plans. |
| Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa. | ----- | a\$3,600,000 | ----- | ----- |
| Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | ----- | b3,590,000 | ----- | ----- |
| Fore River Ship and Engine Co., Weymouth, Mass. | \$3,590,000 | ----- | \$3,555,000 | ----- |
| John H. Dialogue & Son, Camden, N. J. | 3,400,000 | ----- | ----- | ----- |
| Moran Brothers Co., Seattle, Wash. | b3,733,600 | ----- | 3,749,000 | ----- |
| Bath Iron Works, Bath, Me. | ----- | b3,590,000 | ----- | ----- |
| New York Shipbuilding Co., Camden, N. J. | a4,200,000 | ----- | a4,175,000 | ----- |

a Contract awarded.

b Not coppered.

Statement of proposals for the construction of five battle ships, Nos. 13, 14, 15, 16, and 17—Continued.

UNDER ACT OF MARCH 3, 1899—continued.

| Name and address of bidder. | Without sheathing and coppering. | | | |
|---|----------------------------------|-------------------------|-----------------------------|-------------------------|
| | One vessel. | | Two vessels. | |
| | Class 1—Department's plans. | Class 2—Bidders' plans. | Class 1—Department's plans. | Class 2—Bidders' plans. |
| Union Iron Works, San Francisco, Cal. | ----- | \$3,540,000 | ----- | ----- |
| Fore River Ship and Engine Co., Weymouth, Mass. | \$3,430,000 | ----- | b\$3,405,000 | ----- |
| John H. Dialogue & Son, Camden, N. J. | 3,290,000 | ----- | ----- | ----- |
| Moran Brothers Co., Seattle, Wash. | 3,697,000 | ----- | 3,586,000 | ----- |
| New York Shipbuilding Co., Camden, N. J. | 4,100,000 | ----- | 4,075,000 | ----- |

b Not coppered.

UNDER ACT OF JUNE 7, 1900.

| Name and address of bidder. | Without sheathing and coppering. | | | |
|---|----------------------------------|-------------------------|-----------------------------|-------------------------|
| | One vessel. | | Two vessels. | |
| | Class 1—Department's plans. | Class 2—Bidders' plans. | Class 1—Department's plans. | Class 2—Bidders' plans. |
| Union Iron Works, San Francisco, Cal. | ----- | \$3,460,000 | ----- | ----- |
| Fore River Ship and Engine Co., Weymouth, Mass. | \$3,430,000 | ----- | \$3,405,000 | ----- |
| John H. Dialogue & Son, Camden, N. J. | 3,290,000 | ----- | ----- | ----- |
| Moran Brothers Co., Seattle, Wash. | 3,697,000 | ----- | 3,586,000 | ----- |
| New York Shipbuilding Co., Camden, N. J. | ----- | ----- | ----- | ----- |

a Not coppered.

b Contract awarded.

Statement of proposals for the construction of six armored cruisers, Nos. 4, 5, 6, 7, 8, and 9, received under the Department's advertisement of October 1, 1900.

UNDER ACT OF MARCH 3, 1899.

| Name and address of bidder. | Sheathed and coppered. | | | |
|--|-----------------------------|-------------------------|-----------------------------|-------------------------|
| | One vessel. | | Two vessels. | |
| | Class 1—Department's plans. | Class 2—Bidders' plans. | Class 1—Department's plans. | Class 2—Bidders' plans. |
| Union Iron Works, San Francisco, Cal. | a\$3,800,000 | ----- | ----- | ----- |
| Moran Brothers Co., Seattle, Wash. | 4,132,000 | ----- | \$4,008,000 | ----- |
| Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa. | b3,890,000 | ----- | ----- | ----- |
| Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | a3,885,000 | ----- | ----- | ----- |
| Fore River Ship and Engine Co., Weymouth, Mass. | 3,975,000 | ----- | 3,950,000 | ----- |
| John H. Dialogue & Son, Camden, N. J. | ----- | ----- | ----- | ----- |

| Name and address of bidder. | Without sheathing and coppering. | | | |
|---|----------------------------------|-------------------------|-----------------------------|-------------------------|
| | One vessel. | | Two vessels. | |
| | Class 1—Department's plans. | Class 2—Bidders' plans. | Class 1—Department's plans. | Class 2—Bidders' plans. |
| Moran Brothers Co., Seattle, Wash. | \$3,963,000 | ----- | \$3,844,000 | ----- |
| Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | a3,775,000 | ----- | ----- | ----- |
| Fore River Ship and Engine Co., Weymouth, Mass. | 3,800,000 | ----- | 3,775,000 | ----- |
| John H. Dialogue & Son, Camden, N. J. | 3,825,000 | ----- | ----- | ----- |

a Contract awarded.

b Not coppered.

Statement of proposals for the construction of six armored cruisers, etc.—C't'd.
UNDER ACT OF JUNE 7, 1900.

| Name and address of bidder. | Without sheathing and coppering. | | | |
|--|----------------------------------|-------------------------|-----------------------------|-------------------------|
| | One vessel. | | Two vessels. | |
| | Class 1—Department's plans. | Class 2—Bidders' plans. | Class 1—Department's plans. | Class 2—Bidders' plans. |
| Union Iron Works, San Francisco, Cal. | \$3,750,000 | ----- | ----- | ----- |
| Moran Brothers Co., Seattle, Wash. | 3,963,000 | ----- | \$3,844,000 | ----- |
| Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa. | \$3,780,000 | ----- | ----- | ----- |
| Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | \$3,775,000 | ----- | ----- | ----- |
| Fore River Ship and Engine Co., Weymouth, Mass. | 3,800,000 | ----- | 3,775,000 | ----- |
| John H. Dialogue & Son, Camden, N. J. | 3,825,000 | ----- | ----- | ----- |
| Risdon Iron and Locomotive Works, San Francisco, Cal. | 4,075,000 | ----- | ----- | ----- |

^a Contract awarded.

^b Not coppered.

Statement of proposals for the construction of three protected cruisers, Nos. 20, 21, and 22, authorized by the act of June 7, 1900, received under the Department's advertisements of December 1, 1900, and March 6, 1901.

| Name and address of bidder. | Class 1—Department's plans. | | Class 2—Bidders' plans. | |
|--|-----------------------------|--------------|-------------------------|--------------|
| | One vessel. | Two vessels. | One vessel. | Two vessels. |
| | | | | |
| Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | \$2,740,000 | ----- | \$2,741,000 | ----- |
| Bath Iron Works, Bath, Me. | ----- | ----- | 2,750,000 | ----- |
| William R. Trigg Co., Richmond, Va. | 2,780,000 | \$2,740,000 | ----- | ----- |
| Neafie & Levy Ship and Engine Building Co., Philadelphia, Pa. | \$2,740,000 | ----- | ----- | ----- |
| Union Iron Works, San Francisco, Cal. | \$2,825,000 | ----- | ----- | ----- |
| William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa. | 2,740,000 | ----- | 2,740,000 | ----- |

^a Contract awarded.

Proposals for the construction of one battle ship of not more than 16,000 tons trial displacement. Battle ship No. 19, Louisiana: Hull and machinery, including engines, boilers, and their appurtenances and spare parts, and for equipment complete in all respects, with the exceptions specified, and for the installation of ordnance and ordnance outfit, in accordance with the plans and specifications provided by the Secretary of the Navy.

| Name and address of bidder. | Price. | Remarks. |
|---|-------------|------------|
| 1. Union Iron Works, San Francisco, Cal. | \$4,150,000 | 42 months. |
| 2. Newport News Shipbuilding and Dry Dock Co., Newport News, Va. | 3,990,000 | 41 months. |
| 3. New York Shipbuilding Co., Camden, N. J. | 4,040,000 | 40 months. |
| 4. Fore River Ship and Engine Co., Quincy, Mass. | 4,087,000 | 42 months. |
| 5. Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa. | 4,114,000 | Do. |

Advertisement dated July 25, 1902; proposals opened October 1, 1902

Proposals for the construction of two armored cruisers of not more than 14,500 tons trial displacement.

[Armored cruisers Nos. 10 and 11, Tennessee and Washington. Advertisement dated October 28, 1902; bids opened January 6, 1903.]

| Name and address of bidder. | Class 1—Department's plans. | | Class 2—Bidder's plans. | |
|--|-----------------------------|------------------|-------------------------|------------------|
| | For one vessel. | For two vessels. | For one vessel. | For two vessels. |
| | | | | |
| 1. Newport News Shipbuilding and Dry Dock Co. | \$4,325,000 | ----- | ----- | ----- |
| 2. Fore River Ship and Engine Co. | 4,578,000 | ----- | ----- | ----- |
| 3. Bath Iron Works | 4,500,000 | ----- | ----- | ----- |
| 4. Union Iron Works | 4,325,000 | ----- | ----- | ----- |
| 5. New York Shipbuilding Co. | 4,250,000 | \$4,150,000 | ----- | \$4,280,000 |
| 6. Moran Brothers Co. | 4,397,000 | ----- | ----- | ----- |
| 7. Wm. Cramp and Sons Ship and Engine Building Co. | 4,200,000 | ----- | \$4,100,000 | 4,000,000 |

Mr. MUDD. I now insist on the point of order.

Mr. UNDERWOOD. I desire to ask if the point of order has not been ruled on yet?

The CHAIRMAN. It has not.

Mr. UNDERWOOD. Then, Mr. Chairman, I desire to say a few words in reference to the point of order.

Mr. MUDD. Let me state it first.

Mr. UNDERWOOD. I thought you had made your point of order.

Mr. MUDD. I reserved the point of order.

What I have to say upon it is very brief. The point of order is that it is new legislation and not germane to anything which has thus far been permitted to be put into this section in the way of legislation. If the Chair will look at page 5643 of the RECORD of last session, he will see that almost the identical point of order was made and passed upon. At the middle of the page he will find I made the point of order on the part of the similar paragraph in the bill of that session, which reads as follows:

and subject to the provisions hereinafter made, not more than one of said battle ships, and not more than one of said armored cruisers, and not more than one of said gunboats shall be built at or near the coast of the Pacific Ocean or in the waters connecting therewith.

Now, there was substantially the same provision as contemplated by this amendment, and the point of order was made on that part of it providing that the Secretary should be required to build one or more vessels herein authorized on the Pacific coast. That point of order was passed upon and sustained. There was no appeal from it, and practically no controversy upon it.

Now, Mr. Chairman, I apprehend that gentlemen of the House can see that that is no "limitation" upon an appropriation which makes it mandatory upon the Secretary to provide, at an excess of 4 per cent over what it costs elsewhere, for the building of one or more of these ships in a particular locality, and that such a provision is a direct restriction on the discretion of the Secretary of the Navy as exercised under existing law; and upon that question the present occupant of the chair has already ruled. It is clearly a change of existing law.

Now, then, Mr. Chairman, it was to guard against this amendment that I made my point of order on the other provisions that were not objectionable to me at all. There is one possible ground only on which the gentleman might argue that this appropriation is admissible, and that would be that there had been an amendment offered to which this might possibly be germane. But, Mr. Chairman, if that were true, it is equally true, and it is an elementary principle of parliamentary law, that you can not amend an amendment after its adoption. The only possible way that this provision could have gone into the bill would be to have offered it as an amendment to the amendment offered by the chairman of the committee before it was voted upon. It is too late to do that now.

Mr. UNDERWOOD. Mr. Chairman, the proposition that is made by the gentleman from Maryland [Mr. MUDD], that this provision was carried in last year's bill and to this year's bill it is offered as an amendment, in my opinion does not make any difference in relation to the point of order being made. The question is whether it is obnoxious to the rule or not. Now, the reason I am so earnest, Mr. Chairman, in believing that the House ought to have the privilege of putting these limitations on this appropriation bill is—in view of the fact that we have spent weeks of this session trying to legislate and hold the hands of the trusts of this country, and here when we have a bill before us to expend millions of dollars of the public money, and we know that unless we limit the terms of this appropriation bill so that it will give outside contractors an opportunity, every dollar of the appropriation will go into the hands of the shipbuilding trust—I say that this House ought to stand on this proposition from beginning to end and insist that we still retain the power to say where the public money shall be expended.

Mr. MUDD. May I interrupt the gentleman?

Mr. UNDERWOOD. Certainly.

Mr. MUDD. Does the gentleman call this a limitation on an expenditure which makes it mandatory on the part of the Secretary of the Navy to pay 4 per cent more for a battle ship constructed on the Pacific coast than anywhere else?

Mr. UNDERWOOD. We can limit an appropriation and provide how it shall be expended. That is what a limitation amounts to. The limitation of an expenditure on an appropriation bill does not limit the amount necessarily, but it is a legislative provision as to how the money shall be expended. Of course, in providing how it shall be expended, you can say that so much premium shall be paid for the privilege of building it in one place rather than in another. It might be of great value to the Government to build a ship at a certain point, at a certain time, on the Pacific Ocean, rather than to construct it on the Atlantic Ocean.

Mr. DAYTON. I think the gentleman misunderstands the fact that the 4 per cent is in the interest of a firm on the Pacific coast that has joined the shipbuilding trust. I want to say to him that the other firm that has been mentioned has its hands

full already with work and in all probability could not make a bid on the work.

Mr. UNDERWOOD. On that proposition I only know what is represented here by the gentleman who lives in Washington, and I have no doubt he has a better opportunity to judge of these facts than the gentleman from West Virginia.

Mr. DAYTON. The facts that I give to the gentleman are facts that I get from the Navy Department.

Mr. CUSHMAN. I will say to the gentleman that when the Moran Brothers on the Pacific coast first made preparations to bid on a battle ship, the same people who are now to-day contending that they can not build another one were contending then that they could not build the first one. They are building the first one.

Mr. DAYTON. But they are a number of months behind in their contract.

Mr. CUSHMAN. They are progressing faster and better than the Eastern concerns were with similar work when I first took my seat on the floor of this House. The gentleman from Maryland [Mr. MUDD] stated a few minutes ago that he considered it a limitation on the power of the Secretary of the Navy to place a 4 per cent preferential in this bill. I would like to ask him whether he considers it a limitation on the power of the Secretary of the Navy to have a shipbuilding trust take him by the throat and say, "We will build these ships for so much, and you can take it or leave it alone." [Applause.]

Mr. DAYTON. If the gentleman will pardon me one statement, I want to say that the shipbuilding firm on the Pacific coast is a long ways further behind than they are on the Eastern coast. I grant that it is on account of a strike, but the fact is there.

Mr. UNDERWOOD. Mr. Chairman, aside from the question of order, I wish to say it is understood and known by everyone in this House that there is not a single one of the great shipbuilding concerns of this country that is not from ten to twenty months behind in its orders to-day. They are not alone in that position. Not only the shipbuilding concerns, but the manufacturing plants of every nature and description are behind in their orders. The question here is simply whether we are going to give an opportunity to independent concerns to come in and bid against the trust; whether we are going to give an opportunity for the Government to say to the trust, "If you advance this price to an unreasonable amount, we will build these ships in the navy-yards of the country." Those are the questions we are to meet here to-day.

Now, Mr. Chairman, coming directly to the question of order, the Chair has held, and in my judgment properly held, that this House has the right to say that every particle of material that is to go into the construction of these battle ships shall be American material, made by American workmen on American soil. Now, I say that the House has an equal right to say that these ships shall be built in American yards, by American workmen, and on American soil—not in foreign yards by foreign workmen. Does not the same reason apply? There is nothing so far in this bill to prevent a contract being made for the construction of these ships in a British shipyard; but have we not the right to say that they shall not be built there?

Certainly if the Chair was correct in ruling that we might adopt a provision requiring these vessels to be built of American material, the same reason would apply in favor of a provision that they shall be constructed in American shipyards. If, then, we concede that, can we not say in what American shipyard they shall be made? Is there any distinction in the application of the rule? If you can say that a ship shall be constructed in an American shipyard, is it not in the power of the House to say, as a limitation on the appropriation, in what American shipyard? And if we can designate one particular American shipyard, can we not say on what terms a vessel shall be built in that yard? Is it not in order for us to put in this bill a provision to tie the hands of the contractors bidding for the construction of these vessels, so that they shall not enter into a "combine" to defraud the Government? That is simply taking measures to protect the appropriation itself. Therefore I believe the amendment offered by the gentleman from Washington is not only in order, but is in the interest of good legislation and in the interest of the American Navy and the American people. I hope that it will be ruled in order and will be adopted by the House.

Mr. RIXEY. Will the gentleman allow me a question? Why does he think that the trusts will not get the benefit of the 4 per cent differential as well as an independent concern?

Mr. UNDERWOOD. Well, this simply broadens the field of competition and gives an opportunity to other bidders.

The CHAIRMAN. It is obvious that the ruling already made by the Chair, and sustained by the Committee of the Whole, that it is not permissible on this bill to limit the discretion of the Secretary of the Navy to such navy-yards as may be designated, applies also to this amendment, which seeks to limit his discretion

to a single navy-yard; and although the arguments suggested by the gentleman from Alabama [Mr. UNDERWOOD] may convince the Chairman and the Committee of the Whole of the desirability of the amendment, they do not touch its legality. The Chair sustains the point of order.

Mr. WILLIAM W. KITCHIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 21, on page 68, insert the following:

"Provided further, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. FOSS. This particular provision went out of the bill on a point of order; but I have no objection to it.

Mr. MUDD. I am willing that the provision, offered in this way, shall go in.

The question being taken, the amendment was agreed to.

Mr. MAYNARD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "contract," in line 10, page 67, the following: "Or in navy-yards, as hereinafter provided."

Mr. MAYNARD. This bill, under the head of the increase of the Navy—

Mr. FOSS. I have no objection to that amendment.

Mr. MAYNARD. If the chairman of the committee accepts the amendment, all right.

The amendment was agreed to.

Mr. RIXEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of paragraph beginning with line 7, on page 67, and insert the following:

"That for the purpose of further increasing the naval establishment of the United States, in accordance with the latest improvements in the construction of ships and the production of armor and armament therefor, the Secretary of the Navy is hereby directed to prepare plans and specifications of three seagoing battle ships and one armored cruiser carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships and cruiser on the first Monday in December next; and said Secretary, in preparing said plans and descriptions, shall review and further consider the questions whether said ships should be sheathed or unsheathed; what should be the weight and extent of the armor therefor; what should be the form and location of the turrets; whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships; to what extent electricity should be used for auxiliary purposes; to what extent, if any, oil should be substituted in place of coal for fuel, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions. And said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions. And the Secretary of the Navy shall at the same time report to Congress what smaller ships should be built, and their probable cost; also whether, in his judgment, it would be good policy to build all or any portion of said ships in the Government navy-yards."

Mr. DAYTON. Mr. Chairman, I make the point of order on that.

Mr. RICHARDSON of Tennessee. Mr. Chairman, pending the point of order, I move that the committee rise. We have been here now until nearly 6 o'clock, and we can not finish the bill this evening.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 49, noes 105.

So the motion was lost.

Mr. RIXEY. Mr. Chairman, I would be glad to know from the gentleman from West Virginia [Mr. DAYTON] the ground upon which he bases his point of order.

Mr. DAYTON. Simply because it is legislation providing for an investigation into various matters, and we have now no law authorizing it. Further, because it is not a provision that gives the President or the Secretary of the Navy any discretion. It is not something pertaining to the increase of the Navy.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized, \$10,000,000.

Mr. GAINES of Tennessee. Mr. Chairman, on that I reserve the point of order for a moment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GAINES of Tennessee. I should like to ask the chairman of the committee if the word "domestic" here is new legislation?

Mr. FOSS. Mr. Chairman, I do not understand the gentleman.

Mr. GAINES of Tennessee. The section reads: "Toward the armament and armor of domestic manufacture." Now, is that new legislation?

Mr. FOSS. Mr. Chairman, there is so much confusion that I can not hear the gentleman.

Mr. GAINES of Tennessee. I want to ask the gentleman who reports the bill if this paragraph is not new legislation, since it provides that the armor and armament shall be of "domestic" manufacture?

The CHAIRMAN. The Chair is ready to rule upon the question, unless the gentleman from Tennessee wishes to be further heard. The Chair overrules the point of order. The House clearly has the power to describe the material which it wishes to purchase.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GAINES of Tennessee. The Chair has overruled my point of order. Now, as to this talking about trusts and everything of that sort—

Several MEMBERS. Regular order!

Mr. GAINES of Tennessee. Well, now, I have the floor, and there is no use of trust lovers ever trying to drive me off the floor of this House. [Applause.] I am fighting the foulest trust you ever pressed to your bosom, and you press it there. [Applause and laughter.] A giant trust is more at home in your bosoms than love for an infant orphan. [Applause and cries of "Louder!" on the Republican side.] Now, Mr. Chairman, I say— [Applause.]

The CHAIRMAN. The committee will please be in order.

Mr. GRAHAM. Mr. Chairman, I raise the point of order that the gentleman is not talking to his amendment.

The CHAIRMAN. The point of order is well taken.

Mr. GAINES of Tennessee. Because I was interrupted by a lot of trust worshipers. [Applause.] Simply because I am striking at this armor-plate trust, as I have been doing for six years, you thus act—you would interrupt me. You [applause on the Republican side] love them on that side, and this is a foul one, and you know it and wince when it is attacked.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FOSS. Mr. Chairman, we have passed over one matter, back on page 25, relative to Boston Navy-Yard. It was done at the request of the gentleman from Massachusetts [Mr. ROBERTS], whom I do not now see in his seat.

Mr. ROBERTS. I am here, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Massachusetts desire to offer an amendment?

Mr. ROBERTS. Mr. Chairman, I desire to say that the paragraph relating to the Boston Navy-Yard was passed over at my request pending a communication from the Secretary of the Navy to the chairman of the committee relating to any changes and additions he desires made to the appropriation already provided for for that yard.

That communication has just come. The first is \$140,000 for a quay wall leading up to the new dry dock now in process of construction. The second is an increase in the cost of the power and heating plant, to be immediately available, to the amount of \$230,000. And, Mr. Chairman, I would move an amendment to that section of the bill, adding the words "quay wall, \$140,000; power and heating plant, to be immediately available, \$230,000."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert the words "quay wall, \$140,000; power and heating plant, to be immediately available, \$230,000."

Mr. DAYTON. Mr. Chairman, I want to say that we have had no chance to consider these things in the committee.

Mr. HEMENWAY. I make the point of order.

Mr. DAYTON. I hope these amendments will not prevail.

Mr. ROBERTS. What is the point of order?

The CHAIRMAN. Will the gentleman from Indiana state his point of order?

Mr. HEMENWAY. It is to the provision of the bill making the appropriation immediately available. It is a deficiency.

The CHAIRMAN. The point of order is sustained.

Mr. ROBERTS. On that particular clause?

The CHAIRMAN. Of course.

Mr. ROBERTS. Now, Mr. Chairman, if the committee will pardon me a moment, I would like to place before the committee briefly what the Department says with regard to the necessity of these two items in this year's bill. [Cries of "Vote!" "Vote!"]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I make the point of order—

Mr. HEMENWAY. The point of order has been sustained, as I understand.

The CHAIRMAN. It is too late to raise any further point of order now.

Mr. ROBERTS. The point of order related only to the words "to be immediately available," and did not affect the motion for the increased appropriation of \$230,000 on one item and \$140,000 on the other.

I have only this to say, if the committee does not care to hear the reasons given by the Secretary of the Navy, why it is economy and in the interest of the service to have this appropriation made, I am satisfied to go to a vote on the bare request of the Secretary of the Navy. I have here his recommendation, sent to the chairman of the committee.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to go back to page 7.

The CHAIRMAN. Unanimous consent is asked to return to page 7.

Mr. WILLIAMS of Mississippi. I object.

Mr. FOSS. Mr. Chairman, there is one other matter—

Mr. SULZER. Mr. Chairman, I move that the committee do now rise.

Mr. MAYNARD. I ask unanimous consent to return to page 67.

Mr. BARTLETT. Will the gentleman state what he wants to go back for?

Mr. MAYNARD. To correct the wording of an amendment that I offered a few moments ago. Two words being stricken out of the bill on a point of order, the amendment does not now read properly.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is now a quarter to 6 o'clock, and I shall object to any unanimous consent.

Mr. MAYNARD. Let me correct this.

Mr. WILLIAMS of Mississippi. The committee ought to rise and the House ought to adjourn.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. FOSS. It is simply a correction.

Mr. MAYNARD. Mr. Chairman, I would like to state to the House the reason for making my request for unanimous consent.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may address the committee. Is there objection?

Mr. FOSS. It is a small matter.

Mr. MAYNARD. I offered an amendment—

Mr. SULZER. Let the gentleman make his correction as quickly as he can.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have been informed about the nature of the request, and I withdraw the objection.

The CHAIRMAN. The gentleman withdraws his objection. The gentleman from Virginia is recognized.

Mr. MAYNARD. I desire to correct the amendment I offered a few minutes ago, which was adopted. By the fact of two words being stricken out of the bill on a point of order, the amendment does not fit in properly. I desire to strike out the words "after contract" in the amendment, and have the amendment come in after the word "construction."

The CHAIRMAN. The gentleman offers the amendment which the committee has heard.

Mr. FITZGERALD. I do not think the gentleman has fixed his amendment right. I should like to hear it reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modify the amendment so that it will read:

"Insert after the word 'construction,' in line 10, page 67, the following:

"In navy-yards as hereinafter provided."

Mr. DAYTON. That makes the construction of the ships all in the navy-yards.

Mr. PAYNE. I make the point of order on that, that it is an amendment. The gentleman is amending an amendment already adopted by the committee.

The CHAIRMAN. It requires unanimous consent. It can only be done by unanimous consent.

Mr. FOSS. I object. The words "by contract" were stricken out, and in case the words "by contract" had been left in this language would have been proper; but the words "by contract" having been stricken out, this language ought to go out, too.

The CHAIRMAN. Objection is made.

Mr. UNDERWOOD. I do not understand that at all. The gentleman offered an amendment, which was adopted by the House, following the words "by contract." Now, while that is a matter of construction as to where they go, and the words "by contract" being in the original bill, in my judgment the construction would be they take it the other place.

Mr. FOSS. Mr. Chairman, I move that the committee rise and report the bill with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having

assumed the chair as Speaker pro tempore. Mr. GILLET of Massachusetts reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 17288, and had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. FOSS. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. Is there a separate vote demanded on any amendment. If not the Chair will submit them in gross?

No separate vote was demanded.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed was accordingly read the third time, and passed.

On motion of Mr. FOSS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. MORRELL. Mr. Speaker, I would like to ask that I be permitted to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I ask, Mr. Speaker, that that be extended to all who spoke on the bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for general leave to print on the bill. For how long?

Mr. UNDERWOOD. I think the time ought not to be over five days.

Mr. FOSS. For three days.

The SPEAKER pro tempore. For three days. Is there objection?

Mr. MAHON. I object.

PROTECTION OF THE PRESIDENT OF THE UNITED STATES.

Mr. OVERSTREET. Mr. Speaker, I desire to submit a conference report, and ask that it be printed under the rule.

The SPEAKER pro tempore. The gentleman submits a report of a committee of conference, which will be printed under the rule.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to know what conference report is submitted?

The Clerk read as follows:

Senate bill 3553, for the protection of the President of the United States, and for other purposes.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 3553, "An act for the protection of the President of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: In lieu of said amendment of the House, insert the following:

"That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President have devolved under the Constitution and laws, shall suffer death.

"SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of any officer of the United States entitled under the Constitution and laws thereof to act as President in case of the removal, death, resignation, or inability of both the President and Vice-President while he is engaged in the performance of his official duties, or because of his official duties or character, or because of his official acts or omissions, or who by so killing such official shall cause such a vacancy in the office by him held at a time when, by the Constitution and laws of the United States, it would be the duty of the person holding such office to act as President, shall suffer death.

"SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

"SEC. 4. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than ten years.

"SEC. 5. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, shall aid, abet, advise, or counsel the killing of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be deemed a principal offender.

"SEC. 6. That any person who shall willfully and knowingly aid in the escape of any person guilty of either of the offenses mentioned in the foregoing

sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted.

"SEC. 7. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, advocates or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first eight sections of this act, shall be fined not more than \$5,000, or imprisoned not less than one nor more than twenty years, or both.

"SEC. 8. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: Provided, That no such person shall be allowed to enter as an immigrant.

"That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than \$5,000, or imprisoned for not less than one nor more than five years, or both.

"SEC. 9. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

"That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than \$5,000, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

"That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than \$5,000, or imprisoned not less than one nor more than ten years, or both.

"The foregoing provisions concerning naturalization shall not be in force until ninety days after the approval hereof."

And the House agree to the same.

JOHN J. JENKINS,
JESSE OVERSTREET,
DAVID A. DE ARMOND,
Managers on the part of the House.
GEORGE F. HOAR,
CHARLES W. FAIRBANKS,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House upon the disagreeing votes of the two Houses upon Senate bill 3553, entitled "An act for the protection of the President of the United States, and for other purposes," have reached a full and complete agreement, which is set out literally and in full in the report which accompanies this statement.

JOHN J. JENKINS,
JESSE OVERSTREET,
DAVID A. DE ARMOND,
Managers on the part of the House.

LEAVE TO EXTEND REMARKS.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks, made on the 11th of this month, in reference to a national park in the State of Washington.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend in the RECORD his remarks, made on the 11th of this month, in reference to a national park in Washington. Is there objection? [After a pause.] The Chair hears none.

PRIVATE CORPORATIONS IN THE DISTRICT OF ALASKA.

The SPEAKER pro tempore laid before the House the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, with House amendment, disagreed to by the Senate.

Mr. WARNER. Mr. Speaker, I move that the House insist on its amendment and agree to the conference.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House insist upon its amendment and agree to the conference asked for.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. Without objection, the following

conferees will be appointed on the part of the House: Mr. WARNER, Mr. GIBSON, and Mr. McLAIN.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6842. An act granting an increase of pension to Stephen C. Swett;
 S. 2270. An act granting an increase of pension to Sarah J. Warren;
 S. 5929. An act granting a pension to Margaret J. McCranie;
 S. R. 108. Joint resolution authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.;
 S. 6703. An act granting a pension to Henrietta V. West;
 S. 7043. An act to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;
 S. 6219. An act granting an increase of pension to Nannie Cushman;
 S. 6220. An act granting an increase of pension to Walter G. Tebbetts;
 S. 6192. An act granting an increase of pension to Austin H. Patterson;
 S. 6263. An act granting a pension to Rachael E. Bullard;
 S. 6262. An act granting an increase of pension to Charles C. Chesley;
 S. 6229. An act granting pension to Patrick W. O'Donnell;
 S. 6276. An act granting an increase of pension to Mary E. Russell;
 S. 6326. An act granting an increase of pension to Luther D. Goddard;
 S. 6305. An act granting an increase of pension to James B. Taylor;
 S. 6329. An act granting an increase of pension to Mary A. Noyes;
 S. 6338. An act granting a pension to Albert M. Smith;
 S. 6350. An act granting a pension to Inez McCollum;
 S. 6348. An act granting an increase of pension to Napoleon B. Stockbridge;
 S. 6841. An act granting an increase of pension to Charles S. Boynton;
 S. 6798. An act granting an increase of pension to Charles F. Sheldon;
 S. 6795. An act granting an increase of pension to Hannah J. Hopkins;
 S. 6748. An act granting an increase of pension to Ann M. Haskell;
 S. 6731. An act granting an increase of pension to Benjamin N. Bond;
 S. 6653. An act granting a pension to Halvor Paulsen;
 S. 6668. An act granting an increase of pension to Charles Graham;
 S. 6652. An act granting an increase of pension to Leander W. Cogswell;
 S. 6632. An act granting an increase of pension to Frank Cleaves;
 S. 6641. An act granting an increase of pension to Sophie S. Shaffer;
 S. 6356. An act granting an increase of pension to Adah I. Miller;
 S. 5526. An act granting an increase of pension to Benjamin F. Cornman;
 S. 5508. An act granting an increase of pension to George J. Cheney;
 S. 5568. An act granting an increase of pension to Emma R. Cropsey;
 S. 5610. An act granting an increase of pension to Joseph Twycross;
 S. 5641. An act granting a pension to Charlotte J. Closser;
 S. 5662. An act granting an increase of pension to Henry Sickels;
 S. 5723. An act granting an increase of pension to Ole Hexom, alias Ole H. Olson;
 S. 5733. An act granting an increase of pension to John W. Slack;
 S. 5734. An act granting an increase of pension to Elijah A. Woodward;
 S. 5738. An act granting an increase of pension to William E. Fehrenback;
 S. 5786. An act granting a pension to Julia A. Jordan;
 S. 5841. An act granting an increase of pension to John A. Barcus;
 S. 5803. An act granting an increase of pension to Nathaniel A. Winks;
 S. 5830. An act granting an increase of pension to Andrew Jackson;
 S. 5846. An act granting an increase of pension to Thomas G. Forrester;

S. 5850. An act granting an increase of pension to Herbert Whiteworth;
 S. 5854. An act granting an increase of pension to Allen B. Evans;
 S. 5852. An act granting an increase of pension to Robert P. McRae;
 S. 5938. An act granting an increase of pension to Henry O. McClure;
 S. 5874. An act granting an increase of pension to Catharine A. Russell;
 S. 5901. An act granting an increase of pension to Orange Sells;
 S. 5952. An act granting an increase of pension to Henry L. Davenport;
 S. 5967. An act granting an increase of pension to Mary E. Craig;
 S. 5991. An act granting an increase of pension to William Barrett;
 S. 6012. An act granting an increase of pension to Mary Ann Sears;
 S. 6018. An act granting an increase of pension to William J. Chitwood;
 S. 6024. An act granting a pension to Rebecca A. Glass;
 S. 6026. An act granting an increase of pension to Eliza Little;
 S. 6050. An act granting an increase of pension to Charles H. Barnes;
 S. 6063. An act granting an increase of pension to Orson Nickerson;
 S. 6066. An act granting an increase of pension to Edward Staub;
 S. 6096. An act granting an increase of pension to Hester A. R. Landers;
 S. 6143. An act granting an increase of pension to Elvira C. Compton;
 S. 6107. An act granting an increase of pension to Hattie Connell;
 S. 6191. An act granting an increase of pension to Samuel L. Thompson;
 S. 6631. An act granting an increase of pension to Mitchell Hunt;
 S. 6623. An act granting an increase of pension to Gilbert E. Bushnell;
 S. 6607. An act granting an increase of pension to Fordyce M. Keith;
 S. 5586. An act granting an increase of pension to Othniel P. Parcher;
 S. 6376. An act granting a pension to Marcia B. Furguson;
 S. 6563. An act granting an increase of pension to William A. Dougan;
 S. 6530. An act granting an increase of pension to Austin L. Topliff;
 S. 6500. An act granting an increase of pension to Caroline W. Bixby;
 S. 6452. An act granting a pension to S. Josie Hill;
 S. 6465. An act granting an increase of pension to Alonzo Gilbert;
 S. 6445. An act granting an increase of pension to John F. Briggs;
 S. 6437. An act granting a pension to Frederick S. Woodward;
 S. 6431. An act granting an increase of pension to James Greenman;
 S. 6422. An act granting an increase of pension to Ann A. Hersum;
 S. 6415. An act granting an increase of pension to Samuel J. Radcliff;
 S. 6394. An act granting a pension to Evarts Ewing Munn;
 S. 6413. An act granting a pension to Harold P. Waldo;
 S. 5953. An act granting a pension to Ann M. Green;
 S. 5993. An act granting an increase of pension to James G. Davis;
 S. 6466. An act granting an increase of pension to Willard A. Jackson;
 S. 4577. An act for the relief of William McCarty Little;
 S. 6373. An act granting an increase of pension to Joseph D. Lockhart;
 S. 6370. An act granting a pension to Alice F. Smalley; and
 S. 6367. An act granting an increase of pension to Edmund P. Fox.
 Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
 H. R. 2557. An act for the relief of Henry L. McCalla;
 H. R. 15659. An act granting a pension to Elise Sigel;
 H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa;
 H. R. 7648. An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road; and
 H. R. 1605. An act granting a pension to John S. Whitlege.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 12508. An act granting an increase of pension to James Jones;

H. R. 17247. An act granting a pension to Mary H. Rumble; and

H. R. 15767. An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

FIFTH AND SIXTH REGIMENTS DELAWARE VOLUNTEERS.

By unanimous consent, reference of the joint resolution (H. J. Res. 201) to restore the status of the Fifth and Sixth Regiments Delaware Volunteers, who served during the civil war, was changed from the Committee on Military Affairs to the Committee on Invalid Pensions.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15802) to authorize the register of the land office at Montgomery, Ala., to give certificates empowering certain persons to enter and take up public lands in certain contingencies upon surrender by such persons by deeds of conveyance of all claims against homestead entries made on lands to aid in the construction of the Mobile and Girard Railroad of Alabama, reported the same with amendments, accompanied by a report (No. 3812); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 17446) authorizing the Secretary of State to cause the destruction of invoices filed in consular offices for more than five years, reported the same without amendment, accompanied by a report (No. 3813); which said bill and report were referred to the House Calendar.

Mr. HENRY C. SMITH, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 431) to authorize an additional clerk for the Committee on Enrolled Bills, reported the same without amendment, accompanied by a report (No. 3814); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 439) to pay Elizabeth Norris six months' pay and funeral expenses of her husband, reported the same without amendment, accompanied by a report (No. 3815); which said resolution and report were referred to the House Calendar.

Mr. MOODY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17327) providing for the sale of public lands belonging to the United States, reported the same with amendment, accompanied by a report (No. 3816); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. HENRY C. SMITH, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 455) authorizing the appointment of W. S. Sims as a special employee, reported the same adversely, accompanied by a report (No. 3817); which said resolution and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17466) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 17467) to ratify

and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. LONG: A bill (H. R. 17468) to provide for the purchase of a site and the erection of a public building thereon at Newton, in the State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. BOWIE: A bill (H. R. 17469) to increase the limit of cost of the public building at Anniston, Ala., and for other purposes—to the Committee on Public Buildings and Grounds.

Mr. STEPHENS of Texas: A bill (H. R. 17470) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. GOLDFOGLE: A joint resolution (H. J. Res. 273) authorizing the Secretary of War to furnish the Hebrew Union Veteran Association with condemned cannon and cannon balls for a monument to be erected by the Hebrew Union Veteran Association to the memory of soldiers and sailors who lost their lives in the war for the Union and in the recent war with Spain—to the Committee on Military Affairs.

By Mr. BEIDLER: A joint resolution (H. J. Res. 274) to prepare plans for central heating, power, and lighting plant—to the Committee on Appropriations.

By Mr. GILLET of New York: A joint resolution (H. J. Res. 275) granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: A resolution of the senate of Missouri relative to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A resolution of the legislature of Missouri favoring a national park in Camden County, Mo.—to the Committee on the Public Lands.

Also, a resolution of the Missouri house of representatives favoring the statehood bill—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 17471) granting an increase of pension to Ellis K. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17472) granting an increase of pension to Patrick Duffy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17473) granting an increase of pension to John D. Woodward—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 17474) for the relief of the legal representatives of Alexander Rossy, deceased—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 17475) granting an increase of pension to William Loughridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17476) to remove the charge of desertion from name of Robert S. Reese—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 17477) granting a pension to William H. Spielman—to the Committee on Invalid Pensions.

By Mr. REID (by request): A bill (H. R. 17478) to amend an act entitled "An act to supplement existing laws relating to the disposition of land, and so forth" approved March 3, 1901—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: A bill (H. R. 17479) granting an increase of pension to John L. Corey—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17480) granting an increase of pension to William Davis—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petitions of the Cinchona Club and a number of retail druggists of St. Louis, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of St. Louis Merchants' Exchange, for an increase of the Navy—to the Committee on Naval Affairs.

Also, petition of the Majestic Manufacturing Company, of St. Louis, Mo., in favor of House bill 9856, to ratify an agreement with the Crow Indians—to the Committee on Indian Affairs.

Also, resolutions of Rod of Sholem Lodge, No. 53, and Pride of the West Lodge, No. 56, Order of B'rith Abraham, and St. Louis Lodge, No. 44, Sons of Benjamin, all of St. Louis, Mo., against

the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. BURTON: Petition of retail druggists of Cleveland, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DAYTON: Papers to accompany House bill granting an increase of pension to William Loughridge—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth C. Reese—to the Committee on Pensions.

By Mr. DRAPER: Petition of A. W. Stickel, of Bristow, Ind., T., asking that Bristow be made a place of record, and that a United States court be established there—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of the convention of supervisors of New York State in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Papers to accompany House bill 17212 granting a pension to Mary F. Colef—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petitions of A. C. Van Raalte Post, No. 262, of Holland, and George H. Thomas Post, No. 14, of Benton Harbor, Mich., Grand Army of the Republic, in support of House bill 17108, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. LITTLE: Petitions of the board of directors of the city of Hot Springs and certain school districts, and citizens of Hot Springs, Ark., urging the passage of House bill 17435—to the Committee on the Public Lands.

By Mr. McCLEARY: Petition of Garfield E. Morrison, as secretary of the Mankato (Minn.) Trades and Labor Council, favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

Also, resolutions of the New Ulm (Minn.) Commercial Union, favoring liberal laws for Alaska—to the Committee on the Territories.

By Mr. OLMSTED: Petition of Colonel H. I. Zinn Post, No. 415, Grand Army of the Republic, of Mechanicsburg, Pa., asking that honorably discharged soldiers of the civil war be placed on the pension roll at \$12 per month—to the Committee on Invalid Pensions.

By Mr. SCOTT: Resolution of the Commercial Club of Wichita, Kans., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Papers to accompany House bill granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

SENATE.

[Continuation of session of Thursday, February 19, 1903.]

At 11 o'clock a. m., Friday, February 20, 1903, the recess having expired, the Senate reassembled in executive session.

While the doors were closed, legislative business was transacted as follows:

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARNER, Mr. GIBSON, and Mr. McLAIN managers at the conference on the part of the House.

The message also announced that the House had passed concurrent resolution accepting the invitation extended to the Congress of the United States by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Purchase Exposition Company to attend the dedicatory ceremonies of the Louisiana Purchase Exposition to be held at St. Louis, Mo., April 30 and May 1 and 2, 1903; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing and binding, in the form of eulogies, of 24,000 copies of the oration delivered by Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United

States which have been on file in the consular offices for more than five years; and

A joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States.

The message further announced that the House had passed a bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding of 30,000 copies of United States Bankrupt Law of 1898, Uniform System, with Marginal Notes and Index; and General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States November 28, 1898, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

A bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

A bill (S. 2270) granting an increase of pension to Sarah J. Warren;

A bill (S. 4577) for the relief of William McCarty Little;

A bill (S. 5508) granting an increase of pension to George J. Cheney;

A bill (S. 5526) granting an increase of pension to Benjamin F. Cornman;

A bill (S. 5568) granting an increase of pension to Emma R. Cropsey;

A bill (S. 5610) granting an increase of pension to Joseph Twy-cross;

A bill (S. 5641) granting a pension to Charlotte J. Closser;

A bill (S. 5662) granting an increase of pension to Henry Sickels;

A bill (S. 5723) granting an increase of pension to Ole Hexom, alias Ole H. Olson;

A bill (S. 5733) granting an increase of pension to John W. Slack;

A bill (S. 5734) granting an increase of pension to Elijah A. Woodward;

A bill (S. 5738) granting an increase of pension to William E. Fehrenback;

A bill (S. 5786) granting a pension to Julia A. Jordan;

A bill (S. 5803) granting an increase of pension to Nathaniel A. Winks;

A bill (S. 5830) granting an increase of pension to Andrew Jackson;

A bill (S. 5841) granting an increase of pension to John A. Barcus;

A bill (S. 5846) granting an increase of pension to Thomas G. Forrester;

A bill (S. 5850) granting an increase of pension to Herbert Whiteworth;

A bill (S. 5852) granting an increase of pension to Robert P. McRae;

A bill (S. 5854) granting an increase of pension to Allen B. Evans;

A bill (S. 5874) granting an increase of pension to Catharine A. Russell;

A bill (S. 5901) granting an increase of pension to Orange Sells;

A bill (S. 5929) granting a pension to Margaret J. McCranie;

A bill (S. 5938) granting an increase of pension to Henry O. McClure;

A bill (S. 5952) granting an increase of pension to Henry L. Davenport;

A bill (S. 5953) granting a pension to Ann M. Green;

A bill (S. 5967) granting an increase of pension to Mary E. Craig;

A bill (S. 5991) granting an increase of pension to William Barrett;

A bill (S. 5993) granting an increase of pension to James G. Davis;